TUESDAY, APRIL 19, 1994

EIGHTY-EIGHTH LEGISLATIVE DAY

The House met at 1:00 P. M. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative McAfee, who also led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The	roll	cal	ł	wa	ıs	ta	ke	n	wi	th	ŧ	he	f	οl	lo	w i	ng	r	es	u l	ts	:	
Pres	sent																						99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

MESSAGE FROM THE GOVERNOR April 14, 1994

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1112, 1380, 2021, 2128, 2240, 2348 and 2488; also, House Joint Resolution(s) No(s). 371, 415, 432, 434, 472, 492, 493, 502 and 503; with his approval.

DIANNE F. NEAL, Counsel to the Governor.

ENROLLED BILLS April 14, 1994

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197,

198, 200, 201, 202, 204, 205 and 206; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED April 14, 1994

The Speaker signed the following: House Resolution(s) No(s). 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 204, 205 and 206.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR April 15, 1994

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 518, 1477, 1897, 2152, 2404, 2458, 2615, 2682, 2728, 2744, 2871, 2892, 2893, 2894, 2895 and 2896; also, House Joint Resolution(s) No(s). 566, 567, 568, 569, 570, 571, 573, 574, 575, 576, 577, 578, 581, 583, 585, 597, 598, 599, 601, 602, 603, 604, 605, 606, 607, 608 and 609; with his approval.

DIANNE F. NEAL, Counsel to the Governor.

ENROLLED BILLS a

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s), 192, 691, 952, 1742, 2068, 2134, 2418, 2533, 2537, 2558, 2595, 2801, 2821, 2856, 2903, 2905, 2907, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918 and 2919; House Joint Resolution(s) No(s), 529, 545, 630, 632, 634, 635, 636, 637, 639, 640, 641, 642, 668, 670, 671, 672, 673, 674, 675, 676, 678, 679, 680, 681 and 682; also, House Resolution(s) No(s), 207, 208, 209, 210, 211, 212, 213, 214, 215, 217, 218, 219, 220 and 221.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED April 18, 1994

The Speaker signed the following: House Bill(s) No(s). 192, 691, 952, 1742, 2068, 2134, 2418, 2533, 2537, 2558, 2595, 2801, 2821, 2856, 2903, 2905, 2907, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918 and 2919; House Joint Resolution(s) No(s). 529, 545, 630, 632, 634, 635, 636, 637, 639, 640, 641, 462, 668, 670, 671, 672, 673, 674, 675, 676, 678, 679, 680, 681 and 682; also, House Resolution(s) No(s). 207, 208, 209, 210, 211, 212, 213, 214,

215, 217, 218, 219, 220 and 221.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR April 18, 1994

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2323, with his approval.

DIANNE F. NEAL, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR April 18, 1994

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1764, 2093, 2269, 2569, 2634, 2773 and 2842; also, House Joint Resolution(s) No(s). 399, 586, 587, 589, 590, 591, 611, 612, 613, 614, 615, 616, 643 and 644; with his approval.

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DIANNE F. NEAL, Counsel to the Governor.

SENATE BILLS ON FIRST CONSIDERATION

On motion, the Senate Bill(s) listed below, transmitted to the House, was/were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 1670 -- Sumner County -- Requires registration of dogs. (HB 1685).

*Senate Bill No. 2434 -- Uniform Commercial Code -- Provides that a perfected security interest in fixtures will, under certain circumstances, no longer have priority over the conflicting interest of encumbrancer or owner of real estate. Amends TCA 47-9-313. (HBS 2223).

*Senate Bill No. 2510 -- Law Enforcement Training Academy -- Establishes state certification program for police chaplains; program to be administered by peace officers standards and training commission. Amends TCA, Title 38, Ch. 8. (HB 2408).

*Senate Bill No. 2643 -- State Government -- Requires state agencies to issue written assessment of constitutional takings and implications of agency action. Amends TCA, Title 4. (HB 2647).

**Benate Bill No. 2756 -- Education -- Requires state boards of education to develop conflict management program in school system in cooperation with board of education for Memphis school system. Amends TCA; Title 49. (HB 2767).

Senate Bill No. 2822 -- Benton County -- Enacts hotel/motel tax. (HB 2854).

Senate Bill No. 2863 -- Springfield -- Revises terms for board of mayor, vice mayor and aldermen and purchasing procedures. Amends Chapter 1, Private Acts of 1989, as amended.

Senate Bill No. 2903 -- Baileyton -- Revises charter. Amends Chapter 200, Private Acts of 1915, as amended. (HB 2925).

Senate Bill No. 2904 -- Lauderdale County -- Requires Lauderdale County general sessions judges receive same salary as general sessions judges in counties of population class for which compensation of Lauderdale County officers determined. (HB 2926).

Senate Bill No. 2905 -- Columbia -- Authorizes levy and collection of impact fees against new land development. (HB 2923).

Senate BIII No. 2906 -- Decherd -- Revises city charter. Amends Chapter 318, Acts of 1901, as amended. (HB 2924).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or Held on the Clerk's desk as noted:

*House Bill No. 2901 -- Utilities, Utility Districts -- Calendar and Rules Committee.

House Bill No. 2908 -- County Officers -- Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on April 18, 1994, reported the following:

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2435 with amendments. Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on April 19, 1994, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Tuesday, April 19, 1994: House Bill(s) No(s). 2290; House Resolution(s) No(s). 124; House Joint Resolution(s) No(s). 506; House Bill(s) No(s). 2804; Senate Bill(s) No(s). 1403; House Bill(s) No(s). 2196 and 1961.

The Committee set the following bills on the Regular Calendar for Wednesday, April 20, 1994: House Bill(s) No(s). 2355.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Tuesday, April 19, 1994: House Joint Resolution(s) No(s). 514.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 256, 2107, 2902, 2118, 2260, 2151, 2388, 2435, 2291, 1761, 2768, 2370, 2372, 2520, and 2768; also, House Bill(s) No(s). 988, 2015, 2621, 411, 2746, 2761, 2387, 2760, 198, 2443, 2677, 1580, 1578, 2158 and 1683; and 2768; for adoption, House Resolution(s) No(s). 157; House Joint Resolution(s) No(s). 657; for concurrence: Senate Joint Resolution(s) No(s). 298; Under the rules, each was transmitted to the Calendar and Rules Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House for adoption: House Joint Resolution(s) No(s). 669; for concurrence: Senate Joint Resolution(s) No(s). 406; for passage, House Bill(s) No(s). 2429 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR April 19, 1994

The following local bills have been placed on the Consent Calendar for Tuesday, April 19, 1994: House Bill(s) No(s). 2931 and 2934.

RECOGNITION

Mr. Speaker Naifeh recognized Rep. Byrd in the well to introduce the University of Memphis Pom Pom Squad, National College Dance Team Champions. Coach Ganong-Robinson was recognized for remarks.

RULES SUSPENDED

Rep. Byrd moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 695 out of order, which motion prevailed.

House Joint Resolution No. 0695 -- Memorials, Sports -- University of Memphis Pom Pom Squad. by *Byrd, *DeBerry, *Naifeh, *Turner L, *Chumney, *Dixon, *Haley, *Brooks, *Williams K, *Joyce, *Shirley, *Hassell, *Kernell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Byrd, the resolution was adopted by the following vote:

Ayes.						•	٠.				•			 91
Noes.								٠.					•	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Bavidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lites, Love, McAfee, McDaniel, McKee, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

RECOGNITION

Mr. Speaker Naifeh recognized Rep. Stockburger in the well to introduce the Lee College Men's Basketball Team, National Christian College Mens' Basketball Champions for 1994.

CONSENT CALENDAR

House Bill No. 2452 -- Utilities, Utility Districts -- Allows utility management review board to review water rate protests in all districts and counties; authorizes reimbursement of certain expenses incurred to certain utility district officials and employees. Amends TCA 7-82-309, 7-82-701, 702.

On motion, House Bill No. 2452 was made to conform with Senate Bill No. 2544; the Senate Bill was substituted for the House Bill.

*House Bill No. 2891 -- Fire Prevention and Investigation -- Creates position of county arson investigator in Dyer County; prescribes duties. Amends TCA, Title 68, Ch. 102.

*House Resolution No. 0178 -- General Assembly, Studies --

Continues house committee on earthquake preparedness.

*House Joint Resolution No. 0582 -- Highway Signs -- "Walter M. 'Buck' Work Bridge," S.R. 46 and 1-40 in Dickson County.

*Senate Joint Resolution No. 0390 -- Memorials, Government Officials -- Urges county governments to erect signs on county roads stating that abandonment of live or dead animals is criminal misdemeanor offense and further stating penalties for violation thereof.

*House Joint Resolution No. 0667 -- Highway Signs -- "PFC Ben Wade Stone Memorial Bridge," S.R. 56 on Cumberland River, Jackson County.

*Senate Joint Resolution No. 0332 -- Memorials, Congress -- Urges reconsideration and recinsion of recreation user fees at facilities on lakes managed by U.S. Army Corps of Engineers.

*House Bill No. 2900 -- Firearms and Ammunition -- Makes revisions on sale of handguns necessary to give Tennessee waiver from requirements of federal "Brady" law. Amends TCA, Title 39, Ch. 17, Pt. 13.

House Bill No. 2272 -- Courts, Supreme Court of Tennessee -- Allows chief justice to establish clerk's staff members' salaries; adds clerk to commission to control supreme court building. Amends TCA, Title 8, Ch. 23; Title 16, Ch. 3; Title 20, Ch. 9.

On motion, House Bill No. 2272 was made to conform with Senate Bill No. 1807; the Senate Bill was substituted for the House Bill.

*House Joint Resolution No. 0381 -- General Assembly, Directed Studies -- Requests feasibility study by the department of transportation to consider widening Highway 60 from the Georgia state line to Highway 64.

*House Joint Resolution No. 0512 -- General Assembly, Directed Studies -- Urges feasibility study for planting trees on interstate rights of way.

*House Joint Resolution No. 0474 -- General Assembly, Directed Studies -- Urges department of correction to study feasibility of prisoner rotation system.

*Senate Joint Resolution No. 0137 -- Memorials, Government Officials -- Urges Department of Transportation to erect guard rails on certain segment of S.R. 235 in Dickson County.

*Senate Joint Resolution No. 0372 -- Memorials, Congress -- Urges proposal and enactment of constitutional amendment providing that no court has power to levy or increase taxes; makes application for constitutional convention in absence of such enactment.

*House Resolution No. 0203 -- General Assembly, Studies --

Creates special house committee to examine historical and present roles of African Americans in development of public policy and planning relative to inner city economic development.

*House Joint Resolution No. 0395 -- General Assembly, Studies -- Creates special legislative task force to study youth violence.

*House Joint Resolution No. 0617 -- General Assembly, Directed Studies -- Creates special task force to study accountability of nonprofits organizations in use of public funds.

House Resolution No. 0222 — Memorials, Interns - April D. Dajero.

House Resolution No. 0223 -- Memorials, Interns -- Kaye Crabtree Vaughn.

House Joint Resolution No. 0697 -- Memorials, Professional Achievement -- James W. Anderson, recipient of the Greater Memphis State's Educator of the Year Award.

House Bill No. 2923 -- Columbia -- Authorizes levy and collection of impact fees against new land development.

House Bill No. 2924 -- Decherd -- Revises city charter. Amends Chapter 318, Acts of 1901, as amended.

On motion, House Bill No. 2924 was made to conform with Senate Bill No. 2906; the Senate Bill was substituted for the House Bill.

House Bill No. 2925 -- Baileyton -- Revises charter. Amends Chapter 200, Private Acts of 1915, as amended.

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On motion, House Bill No. 2925 was made to conform with Senate Bill No. 2903; the Senate Bill was substituted for the House Bill.

House Bill No. 2926 -- Lauderdale County -- Requires Lauderdale County general sessions judges receive same salary as general sessions judges in counties of population class for which compensation of Lauderdale County officers determined.

On motion, House Bill No. 2926 was made to conform with Senate Bill No. 2904; the Senate Bill was substituted for the House Bill.

House Bill No. 2930 -- Tipton County -- Creates office of environmental inspector.

House Bill No. 2933 -- Cleveland -- Changes date of general city election from August to November, to coincide with regular national and state elections. Amends Chapter 78, Private Acts of 1933.

House Bill No. 2932 -- Sullivan County -- Establishes one clerk and master for chancery court. Amends Chapter 135, Private Acts of 1988.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

Senate Joint Resolution No. 372: by Rep. Purcell.

House Resolution No. 203: by Rep. Brooks.

House Bill No. 2923; by Rep. Bittle.

Under the rules, House Resolution No. 203; Senate Joint Resolution No. 372; and House Bill No. 2923 was/were placed at the foot of the calendar for Wednesday, April 20, 1994.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Catendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.			1	٠.								94
Noes.	4		٠.						• 1			0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 94.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 0423 -- Insurance, Health, Accident -- Repeals requirement that health insurance entities regulated by department of commerce and insurance and all self-insured and self-administered health insurance programs be required to report UB-82 claims; repeals requirement that hospitals complete hospital statistics report. Repeals TCA 68-1-108.

On motion, House Bill No. 423 was made to conform with Senate

Bill No. 63; the Senate Bill was substituted for the House Bill.

Rep. Severance moved that **Senate Bill No. 63** be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 63 by deleting all of the language after the enacting clause and by and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-1-108, is amended by deleting it in its entirety and substituting instead the following:

- Each licensed hospital shall report all claims data found on the UB-92 form or a successor form on every inpatient and outpatient discharge to the commissioner of health. A hospital shall report claims data to the commissioner at After receiving the claims data, quarterly. commissioner shall promptly make such data available review and copying by the Tennessee Hospital iation (THA). No information shall be made Association (THA). available to the public by either the commissioner or the THA that reasonably could be expected to reveal the identity of any patient. The claims data reported to the commissioner under this section is confidential and not available to the public until the commissioner processes and verifies such data. The commissioner shall prescribe conditions under which the processed and verified data is available to the public.
- (b) A licensed hospital shall pay to commissioner a civil penalty of five cents (.05) for each day the claims data discharge report is delinquent. A claims data report is delinquent if the commissioner does not receive it before thirty (30) the end of the quarter. 1 f commissioner receives the report in incomplete form. the commissioner shall notify the hospital and provide fifteen (15) additional days to correct the error. The notice shall provide the hospital an additional fifteen (15) days to complete the form and return it to the commissioner prior to the imposition of any civil penalty. The maximum civil penalty for a delinquent report is ten dollars (\$10) for discharge record. The commissioner shall issue an assessment of the civil penalty to the hospital. The hospital has a right to an informal conference with the commissioner if the hospital requests such conference within thirty (30) days of receipt of the

assessment. After the informal conference or, if no conference is requested, after the time for requesting the informal conference has expired, the commissioner may proceed to collect the penalty by setting the penalty off against funds owed to the hospital or by instituting litigation.

- (c) In its request for an informal conference, the hospital may request the commissioner to waive the penalty. The commissioner may waive the penalty in cases of an Act of God or other acts beyond the control of the hospital. Waiver of the penalty is the sole discretion of the commissioner. None of these proceedings is subject to the Uniform Administrative Procedures Act.
- (d) A Hospital licensed pursuant to Chapter 11, Part 2, of this title shall as a condition of licensure continue to complete and submit annually the report of hespital statistics required by the provisions of \$68-11-310 and regulations promulgated pursuant thereto.
- be held liable in any civil action with respect to any report or disclosure of information made under this section unless such person or entity has knowledge of any falsity of the information reported or disclosed.
- SECTION 2. This act shall take effect July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Severance moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 63 by deleting from Section 1(b) in the second sentence the language "thirty (30) days" and by substituting instead the language "sixty (60) days".

On motion, Amendment No. 2 was adopted.

Rep. Severance moved that **Senate Bill No. 63**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.								• 1	14	٠	٠.	•	•	•	97
Noes.															0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd,

Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

*House Bill No. 2541 -- Eminent Domain -- Limits costs of condemnation case to bill of costs if award exceeds amount assessed by condemnor and deposited with clerk; taxing of additional costs to be governed by Rule 54.04 of Tennessee Rules of Civil Procedure. Amends TCA 29-17-812, 813.

Rep. Purce I requested that House Bill No. 2541 be moved to the heel of the Calendar.

House Bill No. 2647 - State Government -- Requires state agencies to issue written assessment of constitutional takings and implications of agency action. Amends TCA, Title 4.

On motion, House Bill No. 2647 was made to conform with Senate Bill No. 2643; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 2643 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No.

Rep. Hargrove moved that **Senate Bill No. 2643** be passed on third and final consideration, which motion prevailed by the following vote:

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Noes.																	0
Ayes		٠.							• `		٠	. :		: •	٠		95

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent,

Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

House Bill No. 2681 -- Public Service Commission -- Creates public advocacy division within public service commission. Amends TCA. Title 65.

On motion, House Bill No. 2681 was made to conform with Senate Bill No. 2393; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2393 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Brooks moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2393 by adding after the third sentence of the amendatory language of subdivision (5) of Section 1, as amended, the following new language:

Provided, however, the attorney general shall fill all vacancies and make all subsequent appointments so that the staff of the consumer advocate division reflects the dominant ethnic minority population in the state.

Rep. Haley moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

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Ayes.								4		•	• .			٠	٠. •		•	٠	٠	•	•	50
Noes.																						41
Preser	٦t	ar	hr	no	١t	v	ot i	no	١.													4

Representatives voting aye were: Allen, Anderson, Arriola, Bittle, Boyer, Callicott, Chiles, Coffey, Cole (Carter), Coles (Dyer), Collier, Davidson, Davis, Fisher, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Huskey, Jackson, Joyce, Kent, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Owenby, Peroulas Draper, Pinion, Ramsey, Ritchie, Severance, Shirley, Stockburger, Stulce, Venable, Westmoreland, Whitson,

Williams (Union), Williams (Williamson), Winningham, Wix, Wood -- 50.

Representatives voting no were: Armstrong, Bell, Brooks, Brown, Buck, Byrd, Chumney, Clark, Crain, Cross, DeBerry, Dixon, Ferguson, Fowlkes, Hargrove, Herron, Hillis, Johnson, Jones U (Shelby), Kernell, Kisber, Love, Miller, Mires, Odom, Phelan, Phillips, Pruitt, Purcell, Ridgeway, Rinks, Robinson, Stamps, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Windle, Mr. Speaker Naifeh — 41.

Representatives present and not voting were: Bragg, Duer, Knight, Rhinehart -- 4.

Rep. Kisber moved that **Senate Bill No. 2393** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	٠															٠.		96
Noes.		•		•											÷			0
Presen	ıt	ar	١d	no) t	V) t	i no	١.						_			1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Binks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 96.

Representatives present and not voting were: Brown -- 1.

A motion to reconsider was tabled.

*House Bill No. 2541 -- Eminent Domain -- Limits costs of condemnation case to bill of costs if award exceeds amount assessed by condemnor and deposited with clerk; taxing of additional costs to be governed by Rule 54.04 of Tennessee Rules of Civil Procedure. Amends TCA 29-17-812, 813.

On motion, House Bill No. 2541 was made to conform with Senate Bill No. 2813; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 2813 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1,

seconded by Rep. Hargrove, as follows:

Amendment No. 1

Amend Senate Bill No. 2813 by deleting from the second sentence of subsection (a)(1) of the amendatory language of SECTION 1 the word "shall" and substituting instead the word "may".

On motion. Amendment No. 1 was adopted.

Rep. Hargrove moved that **Senate Bill No. 2813**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.		٠.	٠.		\mathbf{V}^{\prime}		. :			• 14	•	•	٠	•		95
Noes.												• .			•7	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

*House Bill No. 1815 -- Education -- Requires principal to notify parent or legal guardian by certified mail, return receipt requested, each time student is absent from public school total of five cumulative days. Amends TCA, Title 49.

On motion, House Bill No. 1815 was made to conform with Senate Bill No. 2375; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that Senate Bill No. 2375 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment ${\bf No.\ 1.}$

Rep. Tindell moved that Senate Bill No. 2375 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.		•,					•					·		97
Noes.														0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 97.

A motion to reconsider was tabled.

*Senate Joint Resolution No. 0306 -- General Assembly, Directed Studies -- Directs Council on Pensions and Retirement to study appropriate retirement benefits for public safety officers.

Rep. Cole (Carter) moved that Senate Joint Resolution No. 306 be concurred in.

On motion, Rep. Bragg withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Cole (Carter) moved that Senate Joint Resolution No. 306 be concurred in, which motion prevailed by the following vote:

Ayes.	•						•						95
Noes.													0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh —— 95.

A motion to reconsider was tabled.

House Bill No. 2208 -- Pensions and Retirement Benefits -- Revises certain provisions relative to discontinuance of medical expense insurance coverage upon eligibility for Medicare benefits for retired state employees. Amends TCA, Title 8, Ch. 27.

Rep. Rhinehart moved that House Bill No. 2208 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2208 by adding the following language as new Sections 3, 4, and 5 and by renumbering the subsequent sections accordingly:

SECTION 3. Tennessee Code Annotated, Section 8-27-401, is amended by adding the following:

For the purpose of the application of this part, the term county employee may include, subject to the approval of the county legislative bodies, retired county employees, officials, and their surviving spouses. Where any county has offered such coverage prior to the effective date of this act, no further action by the legislative body shall be required.

SECTION 4. Tennessee Code Annotated, Section 8-27-501, is amended by adding the following:

For the purpose of the application of this part, the term county employee may include, subject to the approval of the county legislative bodies, retired county employees, officials, and their surviving spouses. Where any county has offered such coverage prior to the effective date of this act, no further action by the legislative body shall be required.

SECTION 5. Tennessee Code Annotated, Section 8-27-601, is amended by adding the following:

For the purpose of the application of this part, the term municipal corporation or special school district employee may include, subject to the approval of the legislative body of the municipal corporation or special school district, retired municipal corporation or special school district employees, officials, and their surviving spouses. Where any municipal corporation or special school district has offered such coverage prior to the effective date of this act, no further action by the legislative body shall be required.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 2

Amend House Bill No. 2208 by deleting Section 1 in its entirety and by renumbering the subsequent sections accordingly.

AND FURTHER AMEND by adding the following language at the end of the amendatory language of the original Section 2:

Any additional cost incurred by the medical insurance coverage authorized by this section which is attributable to the extension offered pursuant to this subsection shall be funded through an increase in the employee portion of the premium paid by retired local education agency employees.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved that House Bill No. 2208, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.			. 96
Noes.	· The second of the	· sakoli · Tabababababa · · · i · · · · · · · · · · · · · · ·	. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Beil, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott. Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell. Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan. Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Ridgeway, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams Williams (Union), Williams (Williamson), Windle. Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

*House Bill No. 0233 -- County Officers -- Requires county appropriation for county officials association dues. Amends TCA 5-9-111.

On motion, House Bill No. 233 was made to conform with Senate Bill No. 426; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 426 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Kisber moved that Senate Bill No. 426 be passed on third and final consideration.

Rep. Kisber requested that Senate Bill No. 426 be moved to the heel of the Calendar.

*House Bill No. 2604 -- Tort Liability -- Caps liability on excursion train operations at \$5 million. Amends TCA, Title 65, Ch. 6, Pt. 1.

On motion, House Bill No. 2604 was made to conform with Senate Bill No. 2785; the Senate Bill was substituted for the House Bill.

Rep. Napier moved that Senate Bill No. 2785 be passed on third and final consideration.

(0)(0) 19 (3) (3) (3) (4) (4) (4)

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2785 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 65, Chapter 6, Part 1, is amended by adding the following language as a new section to be appropriately designated:

Section ____.

(a) As used in this section:

- (1) "Special passenger excursion train" means a non-regularly scheduled train offered to the public on a limited basis over a single railroad route.
- (2) "Non-profit sponsor" means a corporation whose purpose includes the historic preservation of documents, memorabilia and equipment associated with the railroad industry and/or public education regarding the history, current functions, and future of railroad transportation, or whose purpose is to encourage and promote tourism, recreation,

economic and community development or events of historic significance for the state, counties or municipalities, and which is exclusively religious, scientific, literary or educational within the meaning of 1.R.C. 501(c)(3) or the corresponding provision of any future United States Internal Revenue law.

(b) The amount of liability required of a number of the special The amount of liability insurance passenger excursion train shall be determined by the commissioner of commerce and insurance pursuant to the provisions of Tennessee Code Annotated, Title 56, Chapter 5, Part 3, relating to rates of commercial risk insurers. No railroad company operating in this state, which is regulated and governed by the provisions of this title, shall require any limits of liability insurance coverage for non-profit special passenger excursion trains at a greater amount than is provided by this section.

On motion, Amendment No. 2 was adopted.

Rep. Napier moved that **Senate Bill No. 2785**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.													95	į
Noes.													0	į

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from yes to no on Senate Bill No. 2785

and have this statement entered in the Journal: Rep(s). Peroutas Draper.

REGULAR CALENDAR, CONTINUED

House Bill No. 2161 -- Education, Higher -- Increases from 15 to 20 days time in which support staff of state universities and community colleges may file grievances. Amends TCA, Title 49.

On motion, House Bill No. 2161 was made to conform with Senate Rill No. 2211: the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that Senate Bill No. 2211 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1, seconded by Rep. Davidson, as follows:

Amendment No. 2

Amend Senate Bill No. 2211 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ___. Funds shall only be expended pursuant to the provisions of this act if such expenditure is approved by the select oversight committee on education.

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved that **Senate Bill No. 2211**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.													98
Noes.													

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams

(Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2187 --- State Symbols -- Designates monarch as official state butterfly. Amends TCA, Title 4, Ch. 1, Pt. 3.

On motion, House Bill No. 2187 was made to conform with Senate Bill No. 1772; the Senate Bill was substituted for the House Bill.

Rep. Stamps moved that Senate Bill No. 1772 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Stamps moved that Senate Bill No. 1772 be passed on third and final consideration.

Rep. Bell moved that Senate Bill No. 1772 be referred to the Agriculture Committee.

Rep. Stamps moved that the re-referral motion be tabled, which motion prevailed by the following vote:

Ayes			٠	٠									44
Noes	Major of a				٠.	٠.	•						41
Present	and not voting.	•			٠.	٠	٠.	•	٠.	4.	 ٠.	٠. ٠	 1

Representatives voting aye were: Allen, Bittle, Boyer, Brown, Chiles, Coffey, Cole (Carter), David, Duer, Garrett, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Huskey, Joyce, Kent, Knight, Liles, McAfee, McDaniel, Meyer, Napier, Odom, Peroulas Draper, Pruitt, Rhinehart, Robinson, Severance, Shirley, Stamps, Stockburger, Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 44.

Representatives voting no were: Anderson, Armstrong, Arriola, Bell, Bragg, Buck, Byrd, Callicott, Clark, Cole (Dyer), Collier, Crain, Cross, Davidson, Dixon, Ferguson, Fisher, Fowlkes, Givens, Hargrove, Hillis, Johnson, Kisber, Lewis, Miller, Mires, Moore, Owenby, Phelan, Phillips, Pinion, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Stulce, Tindell, Turner (Hamilton), Winningham -- 41.

Representatives present and not voting were: Love -- 1.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to no on the motion to

table the motion to re-refer Senate Bill No. 1772 and have this statement entered in the Journal: Rep(s). Herron.

REGULAR CALENDAR, CONTINUED

Rep. Stamps moved that Senate Bill No. 1772 be passed on third and final consideration, which motion prevailed by the following vote:

A																						22
Ayes		•	•		•	•	•	•		•	٠	٠	٠	•	٠	٠	•	•	 •	•	,	JJ
Noes																						
Present																						

Representatives voting aye were: Allen, Anderson, Arriola, Bittle, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Dyer), Collier, Crain, Davidson, Davis, Duer, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Huskey, Joyce, Kernell, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Pruitt, Ramsey, Robinson, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Shelby), Venable, Walley, West, Westmore and Whitson, Williams (Shelby), Williams (Williamson), Windle, Wix, Wood -- 63

Representatives voting no were: Bell, Cross, Ferguson, Givens, Herron, Johnson, Kisber, Lewis, Phillips, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Turner (Hamilton), Williams (Union), Winningham, Mr. Speaker Naifeh -- 19.

Representatives present and not voting were: Armstrong, Bragg, Coffey, Cole (Carter), DeBerry, Dixon, Fisher, Hargrove, Hillis, Jones R (Shelby), Kent, Pinion, Rhinehart -- 13.

A motion to reconsider was tabled.

Halfa No. 11 Pts (Curt)

House Bill No. 2092 -- Highways, Roads and Bridges -- Directs DOT to widen Highway 100 from Centerville to Intersection 7 in Hickman County.

On motion, House Bill No. 2092 was made to conform with Senate Bill No. 2249: the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 2249 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Jackson moved that Senate Bill No. 2249 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.		٠					•						97
Noes.	٠								٠.				 -0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2173 -- Health -- Assigns duties to black health care commission to monitor impact of TennCare on African-American community; postpones commission's termination date from June 30, 1995 to June 30, 2004, America TCA, Title 3, Ch. 15, Pt. 4.

Rep. Brown moved that Senate Bill No. 2173 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

House 8111 No. 2643 -- Recycling -- Requires attorneys submitting court documents with courts of record to utilize recycled paper for documents. Amends TCA, Title 20, Ch. 6, Pt. 1.

On motion, House Bill No. 2643 was made to conform with Senate Bill No. 1987; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that **Senate Bill No. 1987** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.													96
Noes.													1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan,

Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Duer -- 1.

A motion to reconsider was tabled.

*House Bill No. 2633 -- Drugs -- Revises fines and forfeitures for criminal offenses. Amends TCA, Title 39, Ch. 17, Pt. 4.

Rep. Buck requested that House Bill No. 2633 be moved down 10 places on the Calendar.

House Bill No. 2223 -- Uniform Commercial Code -- Provides that a perfected security interest in fixtures will, under certain circumstances, no longer have priority over the conflicting interest of encumbrancer or owner of real estate. Amends TCA 47-9-313.

On motion, House Bill No. 2223 was made to conform with Senate Bill No. 2434; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 2434 be passed on third and final consideration.

On motion, Rep. Herron withdrew Judiciary Committee Amendment No. 1.

Rep. Purcell moved that **Senate Bill No. 2434** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	 										98
Noes:											0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 98.

A motion to reconsider was tabled.

*House Bill No. 2920 -- County Officers -- Allows veterans who received a general discharge under honorable conditions to qualify for election or appointment to office of sheriff; presently veterans must have received honorable discharge in order to qualify for such office. Amends TCA 8-8-102

Rep. Kent moved that House Bill No. 2920 be passed on third and final consideration.

Rep. Herron moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2920 by deleting all language following the enacting clause and substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 8-8-102, is amended by deleting subsection (a)(5) and substituting instead the following:

(5) Not have been released or discharged from the armed forces of the United States with a dishonorable discharge.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all persons who otherwise qualified under applicable laws for election or appointment to the office of sheriff during 1994.

On motion, Amendment No. 1 was adopted.

Rep. Kent moved that **House Bill No. 2920**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Present	a	nđ	no	o t	V	o t	i ng].		• .							2
Noes										٠.							14
Ayes																	78

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Herron, Huskey, Jackson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Robinson, Severance, Shirley, Stockburger, Stulce,

Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Winningham, Wood -- 78.

Representatives voting no were: Allen, Anderson, Chiles, Cross, Halteman Harwell, Haun, Hillis, Johnson, Peroulas Draper, Ridgeway, Ritchie, Williams (Union), Windle, Mr. Speaker Naifeh -- 14.

Representatives present and not voting were: Buck, Stamps -- 2.

A motion to reconsider was tabled.

House Bill No. 2087 -- Criminal Procedure -- Authorizes officers to make warrantless arrests for DUI throughout course of traffic accident investigation. Amends TCA 40-7-103.

Rep. Westmoreland moved that House Bill No. 2087 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Westmoreland, as follows:

Amendment No. 1

Amend House Bill No. 2087 by deleting SECTION 1 in its entirety and substituting instead the following:

- SECTION 1. Tennessee Code Annotated, Section 40-7-103, is amended by adding the following new subpart (8) to subsection (a):
 - (8) Who is the driver of a vehicle involved in a traffic accident either at the scene of the accident or up to four (4) hours after such driver has been transported to a health care facility if emergency medical treatment for such driver is required and the officer has probable cause to believe that such driver has violated Tennessee Code Annotated, Section 55-10-401.

On motion, Amendment No. 1 was adopted.

Rep. Westmoreland moved that House Bill No. 2087, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	٠.												•		94
Noes.								,	٠.	٠	٠	•	•	٠.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson,

Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Weishiams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2722 -- DUI/DWI Offenses -- Permits person refusing to submit to BAC test to apply for restricted driver license for limited purpose of going to and from work, going to and from court ordered DUI program or going to and from school. Amends TCA 55-10-406.

Rep. Thompson requested that House Bill No. 2722 be moved down 3 places on the Calendar.

*House Joint Resolution No. 0633 -- Memorials, Congress -- Memorializes President and Congress to refrain from including employer mandates as part of any health care reform legislation.

Rep. McDaniel moved that House Joint Resolution No. 633 be adopted, which motion prevailed.

A motion to reconsider was tabled.

*House Joint Resolution No. 0544 -- Memorials, Congress -- Urges review of Fair Labor Standards Act of 1985.

Rep. Haun moved that House Joint Resolution No. 544 be adopted, which motion prevailed.

A motion to reconsider was tabled.

*House Joint Resolution No. 0416 -- Naming and Designating -- Renames American General Center "Andrew Johnson Building".

Rep. Haun moved that House Joint Resolution No. 416 be adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Haun, as follows:

Amendment No. 1

Amend House Joint Resolution No. 416 by deleting the caption of the printed resolution in its entirety and by

substituting instead the following new language:

A RESOLUTION to name certain state office buildings in honor of President Andrew Johnson and David "Davy" Crockett, respectively.

AND FURTHER AMEND by deleting the final preamble clause of the printed resolution in its entirety and by substituting instead the following new language:

WHEREAS, David "Davy" Crockett was born in 1786 at Limestone, in what is now East Tennessee. But he lived in all three Grand Divisions at various times during his colorful and eventful fifty years, and his impact has touched not only this state but the national scene and, in recent decades, even other areas of the world; and

WHEREAS, frontiersman, famed hunter, Indian fighter, elected official, storyteller, folk hero — he was many things and played many roles during the course of his career. At the end of his life, he had become a symbol of a kind of grassroots, homespun politics of the common man that would have significant impact on subsequent U. S. political development. In the century and a half since his death at The Alamo, of course, Davy Crockett has become one of the state's best known and most popular historical figures, not only to Americans, but to modern-day fans and history buffs in countries all over the world; and

WHEREAS, Crockett served in a number of elective offices at widely varying levels of responsibility. For example, in Lawrence County, in Middle Tennessee, he was elected Justice of the Peace, commissioner, court referee, and road commissioner. In 1821 he was elected to the Tennessee House of Representatives from a Middle Tennessee constituency. Two years later, having moved to West Tennessee, he ran for the state House from an Obion County district and was elected there: and

WHEREAS, as a member of the Tennessee General Assembly, he introduced a bill to name Fayette County in honor of the Marquis de Lafayette, a hero of the American Revolution. During his second term in the legislature, he introduced bills for relief of needy people; and

WHEREAS, He was elected to Congress in 1827, from West Tennessee, and re-elected in 1829, carrying 17 rural counties by 586 votes. He also served from 1833-35; and

WHEREAS, as a U.S. Representative, one of his most important fights concerned how settlers in West Tennessee would be treated with regard to their land claims. He took an unpopular stand, and substantially prevailed. On another volatile issue as well, the forced removal of the

Cherokee Indians, he also showed himself willing to take unpopular positions in which he believed; and

WHEREAS, in 1829, there was action by Congress regarding disposition of land in West Tennessee. The land had been ceded to the federal government by North Carolina in 1790, which at that time officially included what later became Tennessee. Many settlers (called "squatters") had settled on the land without legal authority, for there had been no land office for obtaining legal rights to the land; and

WHEREAS, most Tennessee politicians were in favor of dispossessing the squatters, selling the land to speculators and placing the money in the state treasury. Crockett led the opposition, and with the help of congressmen from other states, was able to prevent the taking of the land from the settlers who had invested hard work in establishing homes in what was then the western wilderness. This position was unpopular with many Tennesseans, however, especially with speculators and many politicians; and

WHEREAS, only one other congressman from Tennessee voted with Crockett to save the homes of the squatters, but the coalition he led was able to postpone the transfer of the land until 1841. At that time, after Davy's death in 1836 at The Alamo, the state legislature provided for the squatters to purchase their homesteads at affordable prices; and

WHEREAS, his unpopularity was heightened by his adamant opposition to the forced removal of the Cherokee Indians in 1830. His support for the Indians in this matter was especially interesting since he had done military service against the Creek Indians in 1813-14, in that aspect of the War of 1812. Crockett had served as a scout and as a hunter of deer and bear for food for the hard-pressed army. Similarly, throughout his adult life, he also furnished meat (bear and deer) for many neighbors who were unable to provide their own; and

WHEREAS, in perhaps his most heroic and certainly his most famous act of public service, Davy Crockett courageously sacrificed his life defending The Alamo from Mexican forces during the Texas Revolution on March 6, 1836; and

WHEREAS, in his own time, Davy Crockett was the subject of plays and books in both New York and London. More than a century later, in the 1950s, the worldwide popularity of the Walt Disney Studios' film and television programs about Crockett had enormous positive financial impact on the Disney organization. More important for his home state, however, the film and television productions

made Davy what some biographers say was the best-known American throughout the world. To a considerable extent, that popularity has persisted. Thus, in terms of attention brought to the state and impact on such facts as modern tourism, the influence of Davy Crockett's life and legend are incalculable; and

WHEREAS, it is imperative that we, the elected representatives of Tennessee, pay tribute to our own Andrew Johnson and Davy Crockett, recognizing these two outstanding Tennesseans for their genuine dedication to public service; now, therefore,

AND FURTHER AMEND by deleting the two resolving clauses in their entirety and by substituting instead the following new language:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the state office building in Nashville which is presently designated as the "Gateway Plaza" is hereby redesignated as the "Andrew Johnson Tower" and the state office building in Nashville which is presently designated as the "Volunteer Plaza" is redesignated as the "Davy Crockett Tower" in order to correct the wrongs that have been perpetrated against the reputations of these exemplary Tennesseans.

BE IT FURTHER RESOLVED, That the Department of General Services is directed to erect suitable markers or to affix suitable signs redesignating the Gateway Plaza as the "Andrew Johnson Tower" and redesignating the Volunteer Plaza as the "Davy Crockett Tower".

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to the Honorable William B. Whitson, Commissioner of General Services.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Haun moved that House Joint Resolution No. 416, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

On motion, House Bill No. 2722 was made to conform with Senate Bill No. 1757; the Senate Bill was substituted for the House Bill.

Rep. Thompson moved passage of Senate Bill No. 1757 on third and final consideration, which motion failed by the following vote:

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Representatives voting aye were: Armstrong, Bragg, Brooks, Buck, Chumney, Clark, Cole (Dyer), Collier, Grain, DeBoery, Dixon, Duer, Fisher, Fowlkes, Hargrove, Jackson, Jones R (Shelby), Jones U (Shelby), Kernell, Love, Miller, Mires, Moone, Napler, Odom, Phillips, Pruitt, Ritchie, Robinson, Stulce, Tindell, Turner (Shelby), Williams (Shelby), Williams (Williamson), Winningham, Wix - 36.

Representatives voting no were: Allen, Anderson, Arriola, Bell, Bittle, Byrd, Callicott, Chiles, Cross, Davidson, Davis, Ferguson, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Herron, Hillis, Huskey, Joyce, Kisber, McAfee, McDaniel, McKee, Meyer, Owenby, Phelan, Pinion, Ramsey, Rhinehart, Rigsby, Rinks, Severance, Shirley, Stockburger, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Windle, Wood, Mr. Speaker Naifeh — 49.

Representatives present and not voting were: Coffey, Johnson, Knight, Liles -- 4.

Having failed to receive a Constitutional majority, Mr. Speaker Naifeh re-referred Senate Bill No. 1757 to the Calendar and Rules Committee.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to no on Senate Bill No. 1757 and have this statement entered in the Journal: Rep(s). Peroulas Draper.

REGULAR CALENDAR, CONTINUED

House Bill No. 0309 -- Criminal Offenses -- Redefines first degree murder to make the killing of a child by aggravated child abuse a capital offense. Amends TCA, Title 39, Ch. 13, Pt. 2.

On motion, House Bill No. 309 was made to conform with Senate Bill No. 43; the Senate Bill was substituted for the House Bill.

Rep. Haun moved that Senate Bill No. 43 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 43 by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-202, is amended by deleting from subsection (a)(4) the word and figure "thirteen (13)" and substituting instead the word and figure "sixteen (16)".

SECTION 2. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 3. This act shall take effect on July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Haun moved that **Senate Bill No. 43**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.														٠.			:				99
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Noes.	_	_													•	•	•	•	•	•	U

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKes, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draps, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinebert, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirey, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Mainiton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

*House Joint Resolution No. 0412 -- Memorials, Congress -- Urges compensation and medical treatment for Memphians injected with radioactive locide as part of federally funded research in 1953-1954.

Rep. Dixon moved that House Joint Resolution No. 412 be adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 412 by deleting the period at the end of the first resolving clause and adding the following language:

and to provide just compensation and appropriate medical treatment for all Tennesseans who are identified as having been injected with radioactive iodide as part of any federally funded research conducted in Tennessee.

On motion, Amendment No. 1 was adopted to the top of the state of the

Rep. Dixon moved that House Joint Resolution No. 412, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

*House Joint Resolution No. 0666 -- General Assembly -- Creates special joint committee to assist interested municipalities and counties in obtaining designation as federal empowerment zones and/or enterprise communities and to ensure that such applications are thoughtfully prepared, competitively presented and favorably considered.

Rep. Dixon moved that House Joint Resolution No. 666 be adopted, which motion prevailed.

A motion to reconsider was tabled.

*House Bill No. 2633 -- Drugs -- Revises fines and forfeitures for criminal offenses. Amends TCA, Title 39, Ch. 17, Pt. 4.

Further consideration of House Bill No. 2633, previously considered on today's Calendar.

On motion, House Bill No. 2633 was made to conform with Senate Bill No. 2639; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 2639 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No.

Rep. Buck moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2639 by adding the following to Section 1.(a) following the first sentence.

All requests for disbursement from such funds maintained by the county trustee or city recorder shall be by written request signed by the appropriate chief law enforcement officer of the county or municipality and the district attorney general.

Further amend by adding the following to Section 1.(c) following the last sentence in subsection (c).

All requests for disbursament from the expendable trust fund maintained by the County Executive for confidential purposes shall be by written request signed by the drug task force director and the district attorney general.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that **Senate Bill No. 2639**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.													96
Noes.													0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phillips, Philosophy Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 96.

A motion to reconsider was tabled.

*House Joint Resolution No. 0564 -- General Assembly, Studies -- Creates special joint committee to review board for licensing alarma systems contractors.

Rep. Severance moved that House Joint Resolution No. $564\ \text{bestadopted}$

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 564 by deleting from the first resolving clause of the printed resolution the language "Board for Licensing Alarm Systems," and by substituting instead the language "Board for Licensing Alarm Systems Contractors,".

On motion, Amendment No. 1 was adopted.

Rep. Severance moved that House Joint Resolution No. 564, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled

*House Joint Resolution No. 0520 -- General Assembly, Studies -- Creates joint study commission on victims' rights compensation.

Rep. Miller moved that House Joint Resolution No. 520 be adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Miller, as follows:

Amendment No. 1

Amend House Joint Resolution No. 520 by deleting the language of the Resolution in its entirety and by substituting instead the following:

A RESOLUTION to create a special joint committee to study and evaluate victims' rights and victims' compensation claims legislation.

WHEREAS, the state of Tennessee has long recognized the importance of strongly supporting victims' rights and adequately compensating victims for trauma they have incurred as a result of criminal behavior; and

WHEREAS, this General Assembly should take all necessary and prudent measures to streamline the procedural process for victims seeking such compensation from the state; and

WHEREAS, to ensure that such procedural process does not overwhelm victims with bureaucratic red tape, this General Assembly should work assiduously to enhance public awareness of the availability of such funds and the procedural process for claiming victims' compensation; now, therefore.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special joint committee to study and examine victims' rights and victims' compensation legislation.

BE IT FURTHER RESOLVED, That the special joint committee shall be composed of the following members:

the chair of the House Judiciary Committee; the chair of the Senate Judiciary Committee; three (3) members of the House of Representatives, to be appointed by the Speaker of the House who shall use discretion in selecting an appropriate number of Democratic and Republican members; three (3) members of the Senate, to be appointed by the Speaker of the Senate who shall use discretion in selecting an appropriate number of Democratic and Republican members.

BE IT FURTHER RESOLVED, That the district attorneys general conference shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, That the committee shall convene its initial meeting no later than July 8, 1994, in Nashville.

BE IT FURTHER RESOLVED, That the committee shall hold public meetings prior to its reporting date, with the times and place of such meetings to be determined at the discretion of the members of the committee.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee shall be paid as members of the General Assembly are paid for attending legislative meetings as provided in Tennessee Code Annotated, Section 3-12-106.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect a chair, vice-chair, and any other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That the special joint committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the Ninety-ninth General Assembly no later than January 1, 1995, at which time the committee shall cease to exist.

On motion, Amendment No. 1 was adopted.

Rep. Miller moved that House Joint Resolution No. 520, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

House Bill No. 1064 -- Public Buildings -- Enacts "Equitable Restrooms Act". Amends TCA, Title 68, Ch. 120.

Rep. Chumney moved that House Bill No. 1064 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1064 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **House Bill No. 1064**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	•			٠,			٠			. :				99
Noes.														0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 99.

A motion to reconsider was tabled.

House Bill No. 2854 -- Benton County -- Enacts hotel/motel tax.

Further consideration of House Bill No. 2854, previously considered on April 14, 1994, Consent Calendar, at which time it was reset to the Calendar for April 19, 1994.

On motion, House Bill No. 2854 was made to conform with Senate Bill No. 2822; the Senate Bill was substituted for the House Bill.

Rep. Ridgeway requested that Senate Bill No. 2822 be moved to the heel of the Calendar.

Further consideration of Senate Joint Resolution No. 493, previously considered on April 14, 1994, Consent Calendar, at which time it was reset to the Calendar for April 19, 1994.

Rep. McDaniel moved that Senate Joint Resolution No. 493 be concurred in.

RECOGNITION

Mr. Speaker Naifeh announced that the House stand in resess and the honoree, Bob Loflin, was invited to stand in the well while the Clerk read the resolution. Mr. Loflin was recognized for remarks.

Mr. Speaker Naifeh announced the House was back in session and that the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

Rep. McDaniel moved that Senate Joint Resolution No. 493, be concurred in, with the request that all members voting aye be added as prime sponsors, which motion prevailed by the following vote:

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N	iyes . ices .	1													0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson),

Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Resolution No. 0216 -- Memorials, Public Service -- Representative Dennis Ferguson.

Further consideration of House Resolution No. 216, previously considered on April 14, 1994, was objected to on the Consent Calendar and reset to the Calendar for April 19, 1994.

Rep. Windle moved that House Resolution No. 216 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

*Senate Bill No. 2103 -- Driver Licenses -- Provides that a restricted commercial driver license may be issued to a person under a driver license suspension or revocation if the underlying offense was not committed in commercial motor vehicle. Amends TCA, Title 55, Ch. 50.

Further consideration of Senate Bill No. 2103, previously considered on April 13 and 14, 1994, at which time it was substituted for House Bill No. 2303 and reset to the Calendar for April 19, 1994.

Rep. West moved that Senate Bill No. 2103 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Senate Bill No. 2103 passed on third and final consideration by the following vote:

Ayes. 50 Noes. 42 Present and not voting. 3	Present	an	d	no) t	V	٥t	ing	g.								٠.		3
Ayes	Noes	•	•	•	•	•	٠	. •	٠	. •	٠	•				٠			42
	Ayes	•	•				-;* •	•		•		•							50

Representatives voting aye were: Armstrong, Arriola, Bell, Brooks, Brown, Buck, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Hargrove, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Kent, Kisber, Miller, Mires, Moore, Napier, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Severance, Stulce, Thompson, Turner (Shelby), West, Westmoreland, Whitson, Winningham, Wix -- 50.

Representatives voting no were: Allen, Anderson, Bittle, Bragg, Byrd, Callicott, Chiles, Chumney, Coffey, Cross, Davis, Fisher, Garrett, Gunnels, Halteman Harwell, Hassell, Haun, Huskey, Jones U (Shelby), Joyce, Knight, Lewis, McAfee, McDaniel, McKee, Meyer, Owenby, Peroulas Draper, Ramsey, Ritchie, Robinson, Shirley, Stamps, Stockburger, Tindell, Turner (Hamilton), Walley, Williams (Shelby),

Williams (Union), Williams (Williamson), Windle, Wood -- 42.

Representatives present and not voting were: Kernell, Venable, Mr. Speaker Naifeh -- 3.

A motion to reconsider was tabled.

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House Bill No. 1035 -- Nurses, Nursing -- Increases nurse assistant's in-service training requirement from 10 to 12 hours per year. Amends TCA, Title 68, Ch. 11.

Further consideration of House Bill No. 1035, previously considered on April 13 and 14, 1994, at which time it was reset to the Calendar for April 19, 1994.

Rep. Arriola moved that Senate Bill No. 1035 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

Senate Bill No. 1357 -- District Attorneys -- Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends TCA 16-2-506.

Further consideration of Senate Bill No. 1357, previously considered on February 23, 1994, at which time it was substituted for House Bill No. 1039; reset to the Calendars for March 9 and 30, 1994, at which time Amendment No. 1 was withdrawn; Amendment No. 2 was adopted; and it was reset to the Calendar for April 19, 1994.

Rep. Givens moved that Senate Bill No. 1357 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

*House Bill No. 2153 -- Criminal Offenses -- Adopts Wiretapping and Electronic Surveillance Act of 1993; removes as criminal or prohibited act to knowingly "tap" current or line, cable or other feature of the company. Amends TCA, Titles 20, 24, 39, 40, 65.

Further consideration of House Bill No. 2153, previously considered on April 11, 1994, at which time Amendments Nos. 1 and 2 were withdrawn, Amendments Nos. 3, 4, 5 and 6 were adopted, and it was reset to the Calendar for April 14 and 19, 1994.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Herron moved that House Bill No. 2153, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Preser	١t	ar	ηd	no	٥t	V	o t i	ing	 ·	•		•		٠. ٠	:-j.,		•			٠.	1.	1
Noes.													•				•	•	•		11	3
Ayes.								٠			•			•		•	. •		•		75	5

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Bragg, Brown, Buck, Byrd, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Cross, Davidson, Davis, DeBerry, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Winningham, Wix, Wood, Mr. Speaker Naifeh — 75.

Representatives voting no were: Allen, Armstrong, Callicott, Chumney, Crain, Duer, Haun, Head, Jones R (Shelby), Kernell, Miller, Phillips, Rhinehart, Severance, Turner (Hamilton), Turner (Shelby), Williams (Shelby), Windle -- 18.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to yes on House Bill No. 2153 and have this statement entered in the Journal: Rep(s). Chiles and McAfee.

REGULAR CALENDAR, CONTINUED

House Bill No. 2064 -- Administrative Procedure -- Revises certain provisions relative to appeals of contested case hearings. Amends TCA, Title 4, Ch. 5, Pt. 3.

Further consideration of House Bill No. 2064, previously considered on April 14, 1994, at which time it was reset to the Calendar for April 19, 1994.

Rep. Kernell requested that House Bill No. 2064 be moved down 10 places on the Calendar.

House Bill No. 2299 -- Osteopathy -- Revises scope of practice of osteopathic medicine to conform with definition recognized by American Osteopathic Medical Association; conforms language in TCA to eliminate references to osteopath to currently recognized usage. Amends TCA, Titles 33, 34, 37, 63, 63-9-106.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Further consideration of House Bill No. 2299, previously considered on April 14, 1994, at which time it was reset to the Calendar for April 19, 1994.

On motion, House Bill No. 2299 was made to conform with Senate Bill No. 1993; the Senate Bill was substituted for the House Bill.

Rep. Knight moved that Senate Bill No. 1993 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1993 by adding the following language to Section 1:

Tennessee Code Annotated, Section 63-9-106 is further amended by designating the amendatory language of this Section as subsection (a) and by adding the following language to be designated as subsection (b):

- (b)(1) The provisions of Tennessee Code
 Annotated, Title 63, Chapter 6, Part 6 relative to
 cross referral arrangements and physician ownership
 and investment interests in and referrals to a health
 care entity shall apply to any person practicing
 osteopathic medicine in this state.
 - (2) Any osteopathic physician who makes or causes to be made as referral prohibited pursuant to subdivision (1) of this subsection is in violation of the Osteopathic Medical Practice Act, as compiled in Tennessee Code Annotated. Title 63, Chapter 6, Part 8. Willful violations of subdivision (1) are considered unprofessional conduct, which conduct is subject to licensure sanctions by the board of osteopathic examination including suspension, revocation or other restriction deemed appropriate by the board. In addition, the board is authorized to impose civil penalties of an amount up to five thousand dollars (\$5,000) for each prohibited referral.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Dixon withdrew Health and Human Resources: Committee Amendment No. 2.

Rep. Knight moved that Senate Bill No. 1993, as amended, bee passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	•	٠	•		. • "	•	٠.	٠.	•		•				97
Noes.															0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 97.

A motion to reconsider was tabled.

House Bill No. 2471 -- Juvenile Offenders -- Enacts "Juvenile Offender Surcharge Act". Amends TCA, Titles 37, 40.

Rep. R. Jones (Shelby) moved that House Bill No. 2471 be passed on third and final consideration.

Rep. Thompson moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Williams (Shelby) moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 2471 by deleting from the second sentence of the amendatory language in Section 1 the language "department of institutions" and by substituting instead the language "department of correction".

AND FURTHER AMEND by deleting the amendatory language designated as Section 37——103 in Section 1 in its entirety and by substituting instead the following:

Section 37-__-103

- (1) Each juvenile who is convicted as an adult of a violent crime shall be required to pay any fine imposed by the court to the clerk of such court, who shall allocate the fine as follows:
- (a) Five percent (5%) shall be retained by the clerk for administrative costs incurred pursuant to this section. Such amount retained shall be transmitted to the state treasurer, who

shall credit the same to the general fund, and such amount shall be subject to appropriation by the general assembly for the costs of such administration.

- (b) Ninety-five percent (95%) shall be transferred to the state treasurer who shall credit the same to the youthful offender system fund created pursuant to subsection (3) of this section.
- (2) There is hereby created in the state treasury a youthful offender system fund which shall: consist of moneys received by the state treasurer pursuant to paragraph (b) of subsection (1) of this section. In accordance with Section 8-22-118, all interest derived from the deposit and investment of this fund shall be credited to the general fund. Any moneys not appropriated by the general assembly shall remain in the youthful offender system fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year. In the event a youthful offender system is created pursuant to a bill introduced in the Ninety-eighth General Assembly which is enacted and becomes law, all moneys in the fund shall be subject to annual appropriation by the general assembly to the department of corrections to cover the direct and indirect costs associated with the rehabilitation, education, and treatment of youthful offenders sentenced to a youthful offender system. In the event a youthful offender system is not created pursuant to a bill introduced in the Ninety-eighth General Assembly which is enacted and becomes law, then all moneys in the fund shall be subject to annual appropriation by the General Assembly to the division of youth services in the department of correction to cover the direct and indirect costs associated with the rehabilitation, education, and treatment of juvenile offenders committed to the department of correction.

On motion, Amendment No. 2 was adopted.

Rep. R. Jones (Shelby) moved that **House Bill No. 2471**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

_																				07
Ayes.					•		•	٠	٠	•	•	٠	•	٠	٠	•	٠	•	•	01
Noes.							٠.		٠,٠					٠.			٠	•		3
Prese																				

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross,

Davidson, Davis, Dixon, Duer, Ferguson, Fisehr, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehartd, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 87.

Representatives voting no were: Fowlkes, Givens, Turner (Shelby) --3.

Representatives present and not voting were: DeBerry -- 1.

A motion to reconsider was tabled.

House Bill No. 1398 -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Rep. Buck requested that House Bill No. 1398 be moved to the heel of the Calendar.

*House Bill No. 2290 -- Children -- Expands implementation of department of youth development model programs for adolescents at risk of placement in custody of state. Amends TCA 4-3-2626.

Rep. Brooks requested that House Bill No. 2290 be moved down 2 places on the Calendar.

*House Resolution No. 0124 -- General Assembly, Studies -- Creates study committee of six members of the House to study passenger rail service.

Rep. Ridgeway moved that House Resolution No. 124 be adopted, which motion prevailed by the following vote:

Ayes.													96
Noes.													0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby,

Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Studee, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Wildiams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96:

A motion to reconsider was tabled.

*House Joint Resolution No. 0506 -- Education -- Provides for conversion of existing study on ADHD children into pilot project to develop statewide model program for providing appropriate education and other services to ADHD children.

Rep. Davidson moved that House Joint Resolution No. 506 be adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 506 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Joint Resolution No. 506 in the third clause of the preamble by inserting the word "decrease" after the words "can prevent or greatly" in the third sentence of the clause.

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved that **House Joint Resolution No. 506**, as amended, be adopted, which motion prevailed by the following vote:

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier,

Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

*House Bill No. 2290 -- Children -- Expands implementation of department of youth development model programs for adolescents at risk of placement in custody of state. Amends TCA 4-3-2626.

On motion, House Bill No. 2290 was made to conform with Senate Bill No. 2498; the Senate Bill was substituted for the House Bill.

Rep. Brooks moved that Senate Bill No. 2498 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 2

Amend Senate Bill No. 2498 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 4-3-2626, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Through contract with nonprofit corporations, community organizations, volunteer groups, churches, schools, and family resource centers; the department of youth development is authorized to establish in each grand division of the state two (2) model after school and/or summer programs for young adolescents at risk of placement in the custody of the state. An entity may contract with the department to operate more than one (1) program. Each such model program shall serve not more than twenty-five (25) adolescents and shall strive to improve self-esteem, motivation, responsibility, achievement, and goal setting through a variety of activities including, but not necessarily

limited to, counseling, tutoring, mentoring, field trips, cultural enrichment experiences, team sports and team projects and problem solving. State funding for each such model program shall not exceed eight thousand two hundred fifty dollars (\$8,250) per program.

- (b) The department of youth development shall promulgate policies and guidelines defining:
 - (1) the phrase "young adolescents at risk of placement in the custody of the state"; and
 - (2) the minimum requirements and components for programs established and funded pursuant to subsection (a).
- (c) On or before January 15th each year, the department of youth development shall evaluate the success of such programs and shall report findings and recommendations to the select committee on children and youth.

Section 2. This act shall take effect on July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Brooks moved that **Senate Bill No. 2498**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.			٠.		٠.		٠	٠.					. 97
Noes.													

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stylce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2804 -- Corporations, Not for Profit -- Establishes guidelines for distribution of proceeds from sale, conveyance or other disposition of assets and business of nonprofit corporations. Amends TCA, Title 48.

Rep. Robinson moved that House Bill No. 2804 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

*Senate Bill No. 1403 -- Law Enforcement Training Academy -- Prohibits teaching of choke hold maneuvers to candidate at state law enforcement training facilities; creates civil penalty for using such maneuvers. Amends TCA, Title 38, Chs. 3, 8.

Further consideration of Senate Bill No. 1403, previously considered on May 18, 1993; Amendments Nos. 1, 3, 4 and 5 were withdrawn; Amendment No. 2 was adopted; it failed for lack of a Constitutional majority and was recreferred to the Calendar and Rules Committee. On April 19, 1994, it was placed on the Calendar for April 19, 1994.

Rep. R. Jones (Shelby) moved that **Senate Bill No. 1403**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Present	ar	١d	no	٥t	V	ot i	no	ı.	٠.							_	1
Noes																	29
Ayes																	54

Representatives voting aye were: Armstrong, Arriola, Bell, Boyer, Brooks, Brown, Buck, Callicott, Chumney, Cole (Dyer), Collier, Crain, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Hargrove, Herron, Hillis, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Liles, Love, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Shirley, Stamps, Thompson, Tindell, Turner (Shelby), West, Williams (Shelby), Wix -- 54:

Representatives voting no were: Allen, Anderson, Bittle, Byrd, Chiles, Cole (Carter), Cross, Davis, Givens, Gunnels, Halteman Harwell, Hassell, Huskey, Kent, McAfee, McDaniel, McKee, Peroulas Draper, Ramsey, Saverance, Stockburger, Stulce, Venable, Walley, Westmoreland, Whitson, Williams (Union), Windle, Wood — 29.

Representatives present and not voting were: Mr. Speaker Naifeh -- 1.

A motion to reconsider was tabled.

House Bill No. 2196 -- Sunset Laws -- State board of examiners for registered professional environmentalists, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 62, Ch. 17.

On motion, House Bill No. 2196 was made to conform with Senate Bill No. 2441; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2441 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2441 by deleting Sections 2 and 3 of the printed bill in their entirety and by substituting instead the following:

- SECTION 2. Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the state board of examiners for registered professional environmentalists shall terminate and shall cease all activities on September 30, 1994.
- SECTION 3. (a) Notwithstanding any provision of this chapter to the contrary, all persons who wish to obtain a license as a registered professional environmentalist must, by August 31, 1994, submit an application to the board accompanied by a nonrefundable fee as set by the board. In addition an applicant shall successfully pass an examination approved by the board by September 30, 1994.
- (b) After August 31, 1994, all persons who wish to renew a license as a registered professional environmentafist shall submit an application for renewal to the department of health. The department of health may set fees for the renewal of licenses pursuant to this section.
- SECTION 4. Tennessee Code Annotated, Title 62, is amended by deleting Chapter 17 in its entirety.
- SECTION 5. Section 4 of this act shall take effect September 30, 1994, the public welfare requiring it. For all other purposes this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that Senate Bill No. 2441, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.													96
Noes.													0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Buck, Byrd, Callicott, Chiles,

Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 96.

A motion to reconsider was tabled.

House Bill No. 1961 -- Administrative Procedure -- Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1994.

Rep. Kernell moved that House Bill No. 1961 be reset to the Calendar for Wednesday, April 20, 1994, which motion prevailed.

Senate Bill No. 0426 -- County Officers -- Requires county appropriation for county officials association dues. Amends TCA 5-9-111.

Further consideration of Senate Bill No. 426, previously considered on today's Calendar.

Rep. Kisber moved that Senate Bill No. 426 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.				٠.					•	•				85
Noes.														4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Davidson, Givens, Ramsey, Rigsby -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to yes on Senate Bill No. 426 and have this statement entered in the Journal: Rep(s). Ritchie.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from no to yes on Senate Bill No. 426 and have this statement entered in the Journal: Rep(s). Davidson.

REGULAR CALENDAR, CONTINUED

Senate Bill No. 2822 -- Benton County -- Enacts hotel/motel tax.

Further consideration of Senate Bill No. 2822, previously considered on today's calendar.

Rep. Ridgeway moved that **Seriate Bill No. 2822** be passed on third and final consideration, which motion prevailed by the following vote:

Aves.																	82
Noes.																	5
Presen	ŧ	an	м	n	٦ŧ	v	٦ŧ	in	٦.								8

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Winningham, Wix, Mr. Speaker Naifeh — 82.

Representatives voting no were: Meyer, Shirley, Stockburger, Windle, Wood -- 5.

Representatives present and not voting were: Allen, Hassell, Haun, Joyce, Ramsey, Walley, West, Williams (Union) -- 8.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to yes on Senate Bill No. 2822 and have this statement entered in the Journal: Rep(s). Ritchie.

REGULAR CALENDAR, CONTINUED

House Bill No. 2064 -- Administrative Procedure -- Revises certain provisions relative to appeals of contested case hearings. Amends TCA, Title 4, Ch. 5, Pt. 3.

Rep. Kernell moved that House Bill No. 2064 be reset to the Calendar for Wednesday, April 20, 1994 which motion prevailed and here

House Bill No. 1398 --- Counts --- Greates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Further consideration of House Bill No. 1398, previously considered on today's Calendar.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

On motion, House Bill No. 1398 was made to conform with Senate Bill No. 980; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bills No. 980 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 980 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. (a) By court rule, the Supreme Court shall develop a judicial evaluation program for appellate court judges to aid the public in evaluating the performance of such judges. In its court rule, the Supreme Court shall direct the judicial evaluation commission to perform the required evaluations.

- (1) The judicial evaluation commission shall be composed of twelve (12) members.
- (2) The Supreme Court shall appoint six (6) of the members of whom four (4) shall be state court judges and two (2) shall be nonlawyers.
 - (3) The Speaker of the Senate shall appoint one (1) member from a list of three (3) nominees submitted by the Tennessee Trial Lawyers Association, one (1) member from a list of three (3) nominees submitted by the District Attorneys General Conference and one (1) nonlawyer member.
 - (4) The Speaker of the House of Representatives shall appoint one (1) member from a list of three (3) nominees submitted by the Tennessee Bar Association, one (1) member from a list of three (3) nominees submitted by the Tennessee Association of Criminal Defense Lawyers and one (1) nonlawyer member.
 - (5) Each group and each appointing authority in making lists of nominees and appointments respectively, shall do so with a conscious intention of selecting a body which reflects a diverse mixture with respect to race and gender.
 - (6) The Supreme Court's evaluation procedure may permit the judicial evaluation commission to perform an evaluation with less than the full membership in panels, but the full commission shall approve the evaluation.
 - (7) In keeping with the intent of this act as expressed in Section 3 concerning the diversity of the judicial selection commission, the appointing authorities and each nominating group for the judicial evaluation commission shall endeavor to make appointments and submit nominees respectively that approximate the population of the state with respect to race and gender.
 - (c) The evaluation procedure shall include the public disclosure of a final report, but not of any individual record or evaluation. The judicial evaluation commission shall publish not more than sixty (60) days before the qualifying deadline for the position sought the final report in a daily newspaper of general circulation in the Tri-Cities area, Knoxville, Chattanooga, Nashville, Jackson and Memphis. The final report for each appellate court judge may not exceed six hundred (600) words.
 - (d) The Supreme Court shall implement the judicial evaluation program after September 1, 1994. If the court does not adopt such rule by July 1, 1995, the provisions of

Tennessee Code Annotated, Title 17, Chapter 4, are void.

- (e) The judicial evaluation program, including the public report and the ballot information, shall apply to each appellate court judge who seeks to serve a complete term after September 1, 1994.
- SECTION 2. Tennessee Code Annotated, Section 17-4-101, is amended by deleting the words "intermediate appellate courts" and substituting instead the words "appellate courts".
- SECTION 3. Tennessee Code Annotated, Section 17-4-102, is amended by deleting the section in its entirety and by substituting instead the following:
 - (a) There is established as a part of the judicial branch of the state a judicial selection commission to be composed of fifteen (15) members as follows:
 - (1) Three (3) members with one (1) member from each of the state's grand divisions from lists of nominees submitted by the Tennessee Bar Association. The nominees submitted by the Tennessee Bar Association shall not include attorneys whose principal practice area is either plaintiff's personal injury work or criminal defense.
 - (2) Three (3) members with one (1) member from each of the state's grand divisions from lists of nominees submitted by the Tennessee Trial Lawyers Association:
 - (3) Three (3) members with one (1) member from each of the state's grand divisions from lists of nominees submitted by the Tennessee District Attorneys General Conference;
 - (4) Three (3) members with one (1) member from each of the state's grand divisions from lists of nominees submitted by the Tennessee Association of Criminal Defense Lawyers; and
 - (5) Three (3) members who shall not be lawyers.
 - (b) (1) The Speaker of the Senate shall appoint three (3) members from the list of nominees submitted by the Tennessee Trial Lawyers Association, three (3) members from the lists of nominees submitted by the District Attorneys General Conference and one (1) of the nonlawyer members. The Speaker of the House of Representatives shall appoint three (3) members from the lists of nominees submitted by the Tennessee Bar Association, three (3) members from the lists of nominees submitted by the Tennessee Association of Criminal Defense Lawyers and one (1) of the nonlawyer

members. Jointly the speakers shall appoint the third nonlawyer member.

- (2) If the nominees do not reflect the diversity of the state's population, the Speaker shall reject the entire list of a group and require the group to resubmit its list of nominees.
- (3) Each Speaker in making the appointments to the judicial selection commission shall appoint persons who approximate the population of the state with respect to race and gender.
- (c) Each group shall submit a list of three (3) nominees for each position to be filled. Each list of nominees shall include background data and a complete statement of the nominee's professional experience.
- (d) Each group and each speaker in making lists of nominees and appointments respectively shall do so with a conscious intention of selecting a body which reflects a diverse mixture with respect to race and gender.
 - (e)(1) To stagger the terms of the commission members, the speakers shall make the initial appointments from the listed groups in the following manner:
 - (A) The initial terms of the members from West Tennessee shall be for two (2) years.
 - (B) The initial terms of the members from Middle Tennessee shall be for four (4) years.
 - (C) The initial terms of the members from East Tennessee shall be for six (6) years.
 - (2) The initial terms of the nonlawyer members shall be for two (2) years.
- SECTION 4. Tennessee Code Annotated, Section 17-4-103, is amended by deleting the section in its entirety and by substituting instead the following:

Each member of the judicial selection commission shall be a resident of Tennessee. Each lawyer member shall be a lawyer in good standing with the Tennessee Supreme Court.

SECTION 5. Tennessee Code Annotated, Section 17-4-104, is amended by deleting the language "appellate court nominating commission" and by substituting instead the language "judicial selection commission".

Tennessee Code Annotated, Section 17-4-104, is further amended by adding to subsection (a) between the words

"organization" and "shall" the language "or any district attorney general or an employee of a district attorney general".

- SECTION 6. Tennessee Code Annotated, Section 17-4-105, is amended by deleting subsections (a) and (b) and by substituting instead the following:
 - (a) The term of office of each member of the judicial selection commission shall begin on September 1, 1994.
 - (b)(1) As soon as practicable after September 1, 1994, the commission shall meet in organizational session as convened by the Chief Justice of the Supreme Court.
 - (2) At the first organizational mesting, the chief justice shall preside as temporary chair, and a permanent chair shall be elected from the membership of the commission.
 - (3) If the Chief Justice is unable to convene the commission or serve as temporary chair, the chief justice may designate another member of the Supreme Court to so serve.

Tennessee Code Annotated, Section 17-4-105, is further amended by deleting subsection (e).

- SECTION 7. Tennessee Code Annotated, Section 17-4-106, is amended by deleting the section in its entirety and by substituting instead the following:
 - (a) Each subsequent term of a commission member is six (6) years.
 - (b) A commission member is eligible for reappointment.

SECTION 8. Tennessee Code Annotated, Section 17-4-107, is amended by deleting the section in its entirety and by substituting instead the following:

A vacancy on the judicial selection commission shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

SECTION 9. Tennessee Code Annotated, Section 17-4-108, is amended by deleting the language "appellate court nominating commission" and by substituting instead the language "judicial selection commission and judicial evaluation commission".

Tennessee Code Annotated, Section 17-4-108, is further amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b) Subject to budgetary restrictions, the

administrative office of the courts shall pay or reimburse the necessary expenses authorized or incurred by the judicial selection commission and the judicial evaluation commission in the performance of the duties pursuant to policies and guidelines promulgated by the Supreme Court.

SECTION 10. Tennessee Code Annotated, Section 17-4-109, is amended by deleting subsection (a) and by substituting instead the following:

- (a)(1) When a vacancy occurs after September 1, 1994, in one of the intermediate courts, the judicial selection commission, shall at the earliest practicable date, hold a public meeting in the grand division of Tennessee from which such vacancy is to be filled.
- (2) When a vacancy occurs after September 1, 1994, in the Supreme Court, the judicial selection commission shall, at the earliest practicable date, hold a public meeting in Nashville, Tennessee.

Tennessee Code Annotated, Section 17-4-109, is further amended by deleting from subsections (d) and (e) the word "nominating":

Tennessee Code Annotated, Section 17-4-109, is further amended by adding the following new subsection:

(f) The judicial selection commission, in compiling its list of nominees for a Supreme Court position, shall assure that the requirements of Article VI, Section 2, of the Tennessee Constitution are satisfied.

SECTION 11. Tennessee Code Annotated, Section 17-4-110, is amended by deleting from subsection (a) the language "appellate court nominating commission" and by substituting instead the language "judicial selection commission".

Tennessee Code Annotated, Section 17-4-110, is further amended by deleting subsection (b) and by substituting instead the following:

A candidate who has been defeated in any election held under this chapter is not eligible for renomination to the office for which the candidate was defeated until after one (1) regular August election has occurred.

SECTION 12. Tennessee Code Annotated, Section 17-4-111, is amended by deleting the section in its entirety and by substituting instead the following:

A member of the judicial selection commission is not eligible to be nominated by the judicial selection commission during the member's tenure and a two (2) year

period after the conclusion of the member's tenure.

- SECTION 13. Tennessee Code Annotated, Section 17-4-112, is amended by deleting the section in its entirety and by substituting instead the following:
 - (a) When a vacancy occurs in the office of an appellate court after September 1, 1994, by death, resignation or otherwise, the Governor shall fill the vacancy by appointing one (1) of the three (3) persons nominated by the judicial selection commission, or the Governor may require the commission to submit one (1) other panel of three (3) nominees. If the governor rejects the first panel of nominees, the governor shall select one (1) of the nominees in the second panel. If the governor rejects the first panel, the governor shall state in writing for the judicial selection commission the reasons for the rejection of this panel.
 - (b) The term of a judge appointed under this section shall expire on August 31 after the next regular August election recurring more than thirty (30) days after the vacancy occurs.
- SECTION 14. Tennessee Code Annotated, Section 17-4-113, is amended by deleting the section in its entirety.
- SECTION 15. Tennessee Code Annotated, Section 17-4-114, is amended by deleting the section in its entirety and by substituting instead the following:
 - (a)(1) Any appellate judge, whether appointed under this chapter or otherwise, who seeks election to fill the unexpired term of the judge's predecessor, shall file with the state election commission a written declaration of candidacy to fill the unexpired term not later than 12:00 o'clock noon prevailing time on the third Thursday in May before the next regular dugust election recurring more than thirty (30) days after the vacancy occurs.
 - (2) If an appointment of a judge to a vacancy is made under this chapter after the second Thursday in May preceding the next regular August election recurring more than thirty (30) days after the vacancy, the qualifying date for election to fill the unexpired term is 12:00 occlock noon prevailing time on the first Thursday recurring one (1) full week after the appointment.
 - (b) If the declaration of candidacy is timely filed, only the name of the candidate, without party designation, shall be submitted to the electorate in Tennessee in the regular August election. Each county election commission of the state shall cause the following to be placed on the ballot:

Shall (Name of Candidate) be elected and retained in office as (Name of Office)? Yes... or No...

- (c) After the question on the ballot, each county election commission shall place one (1) of the following statements on the ballot as designated through the deliberations of the judicial evaluation commission:
 - (1) The judicial evaluation commission recommends the retention of this judge or justice.
 - (2) The judicial evaluation commission recommends against the retention of this judge or justice.
 - (3) The judicial evaluation commission has no position on the retention of this judge or justice.
- (d)(1) If a majority of those voting on the question vote in favor of electing the candidate, the candidate is duly elected to the office for the remainder of the term of the predecessor and given a certificate of election.
 - (2) If a majority or one-half (1/2) of those voting on the question vote against retaining the candidate in office, then a vacancy exists as of September 1 after the regular August election. The Governor shall fill the vacancy from a group of three (3) nominees submitted by the judicial selection commission as provided in Section 17-4-112.
- SECTION 16. Tennessee Code Annotated, Section 17-4-115, is amended by deleting the section in its entirety and by substituting instead the following:
 - (a)(1) When any incumbent appellate court judge, whether appointed or elected under the provisions of this chapter or otherwise, seeks election or reelection for a full eight (8) year term, the judge shall file a written declaration of candidacy with the state election commission not later than 12:00 o'clock noon prevailing time on the third Thursday in May immediately preceding the end of the term.
 - (2) If an appointment of a judge to a vacancy is made under this chapter after the second Thursday in May preceding the next regular August election recurring more than thirty (30) days after the vacancy, the qualifying date for election to fill the unexpired term is 12:00 o'clock noon prevailing time on the first Thursday recurring one (1) full week after the appointment.
 - (b) If the declaration of candidacy is timely filed, only the name of the candidate, without party designation,

shall be submitted to the electorate in Tennessee in the regular August election. Each county election commission of the state shall cause the following to be placed on the ballot:

Shall (Name of Candidate) be elected and retained in office as (Name of Office)? Yes... or No...

- (c) After the question on the ballot, the state election coordinator shall place one (1) of the following statements on the ballot as designated through the deliberations of the judicial evaluation commission:
 - (1) The judicial evaluation commission recommends the retention of this judge or justice.
 - (2) The judicial evaluation commission recommends against the retention of this judge or iustice.
 - (3) The judicial evaluation commission has no position on the retention of this judge or justice.
- (d)(1) If a majority of those voting on the question vote in favor of reelecting the candidate, the candidate is duly elected to the office for a full eight (8) year term and given a certificate of election.
 - (2) If a majority or one-half (1/2) of those voting on the question vote against retaining the candidate in office, then a vacancy exists as of September 1 after the regular August election. The Governor shall fill the vacancy from a group of three (3) nominees submitted by the judicial selection commission as provided in Section 17-4-112.
- SECTION 17. Tennessee Code Annotated, Section 17-4-116, is amended by deleting the language of the section in its entirety and by substituting instead the following:
 - If an incumbent appellate court judge, whether (a) appointed or elected, fails to file a declaration of candidacy for election to an unexpired term or to a full eight (8) year term within the prescribed time, or if such judge after the qualifying date withdraws as a candidate, a vacancy is created in the office at the expiration of the incumbent's term effective September 1. In this event the judicial selection commission shall furnish a list nominees for the office to the Governor as provided by Section 17-4-109. From such list, the Governor shall appoint a successor to fill the vacancy effective September The appointment is subject to the action of the electorate in the next regular August election. The appointee shall file a declaration of candidacy and be voted on as provided in Sections 17-4-114 and 17-4-115.

- (b) If the vacancy occurs more than thirty (30) days before the regular August election preceding the end of the term, the appointee is subject to election as provided in Sections 17-4-114 and 17-4-115.
- (c)(1) If a majority of those voting on the question vote in favor of electing the candidate, the candidate is duly elected to the office for the remainder of the unexpired term or a full eight (8) year term, as the case may be, beginning September 1, and the candidate shall be given a certificate of election.
 - (2) If a majority or one-half (1/2) of those voting on the question vote against retaining the candidate in office, then the candidate may not take office on September 1, and a vacancy exists as of September 1 after the regular August election. The Governor shall fill the vacancy from a group of three (3) nominees submitted by the judicial selection commission as provided in Section 17-4-112.
- (d) If the vacancy occurs less than thirty-one (31) days before the regular August election, the appointee will not be voted on in such election and will take office on September 1. The term of office will be as provided in 17-4-112(b).
- SECTION 18. Tennessee Code Annotated, Section 17-4-117, is amended by deleting from the first sentence the language "appellate court nominating commission" and by substituting instead the language "judicial selection commission".
- SECTION 19. Tennessee Code Annotated, Title 17, Chapter 4, is amended by adding the following new section:

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- (a) After September 1, 1994, when a vacancy occurs in the office of a state trial court judge by death, resignation or otherwise, the Governor shall fill the vacancy by appointing the one (1) of the three (3) persons nominated by the judicial selection commission.
- (b) The term of a judge appointed under this section shall expire on August 31 after the next regular August election recurring more than thirty (30) days after the vacancy occurs.
- (c) The judicial selection commission shall follow the process established in Section 17-4-109 except that the commission shall hold a public meeting in the judicial district from which such vacancy is to be filled.
- (d) If the judicial district is one (1) of the five (5) smallest judicial districts according to the 1990 federal census or any subsequent federal census, the

judicial selection commission may submit two (2) names to

- (e) At the next regular August election recurring more than thirty (30) days after the vacancy occurs, the electorate shall elect a candidate to fill the remainder of the unexpired term or a complete term, as provided in the general election law in Title 2.
- SECTION 20. On September 1, 1994, the appellate court nominating commission is abolished and shall cease to exist. All of the commission's records are hereby transferred to the judicial selection commission which shall have the duties and responsibilities established by this act.
- SECTION 21. Tennessee Code Annetated, Section 2-8-117, is repealed.
- SECTION 22. If any provision of this act and Title 17, Chapter 4 or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act and Title 17, Chapter 4, are declared to be invalid and void.
- SECTION 23. For the purposes of making appointments to the judicial evaluation and selection commissions, authorizing the Supreme Court to establish the rule regarding judicial evaluation, and election appellate court judges in the 1994 regular August election, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on September 1, 1994; the public welfare requiring it.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

Amend Senate Bill No. 980 by deleting the first sentence of subsection (a)(1) of the amendatory language of SECTION 3 of House Judiciary Committee Amendment No. 1 and substituting instead the following:

- (1) Two (2) members from different grand divisions of the state from lists of nominees submitted by the Tennessee Bar Association. One (1) member from a list of nominees submitted by the Tennessee Defense Lawyers Association.
- AND FURTHER AMEND by deleting from the second sentence of subsection (b)(1) of the amendatory language of SECTION 3 of House Judiciary Committee Amendment No. 1 the language "three (3) members from the lists of nominees submitted by the Tennessee Bar Association" and substituting instead the language "two (2) members from the lists of nominees submitted by the

Tennessee Bar Association and one (1) member from the list of nominees submitted by the Tennessee Defense Lawyers Association".

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On motion, Amendment No. 1 to Amendment No. 1 was adopted:

Rep. Buck moved that Judiciary Committee Amendment No. 2 to Amendment No. 1 be withdrawn, which motion prevailed.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Shirley moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 980 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Notwithstanding the provisions of Tennessee Code Annotated, Section 2-13-202, a political party shall nominate their candidates for justices of the supreme court by vote of the members of the party in primary elections as provided by law, with the general election at the regular August election.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Buck moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes										٠,										44
Nnes .	1			_												•	•		٠	43
Present	no	οt	V	οt	ing	g		٠			•	•	٠.	٠	•	٠	•	•	٠	2

Representatives voting aye were: Armstrong, Bell, Bragg, Brooks, Chumney, Clark, Cole (Dyer), Collier, Cross, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Hillis, Jackson, Jones U (Shelby), Kernell, Kisber, Liles, Love, McDaniel, Miller, Mires, Moore, Phelan, Pinton, Prultt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Thompson, Tindell, Turner (Shelby), Walley, Williams (Shelby), Williams (Williamson), Winningham, Wix, Mr. Speaker Naifeh — 44.

Representatives voting no were: Allen, Anderson, Arriola, Boyer, Byrd, Callicott, Chiles, Coffey, Davidson, Davis, Duer, Garrett, Gunnels, Haley, Hargrove, Hassell, Haun, Herron, Huskey, Johnson, Joyce, Kent, McAfee, McKee, Meyer, Odom, Owenby, Peroulas Draper, Phillips, Ramsey, Rigsby, Severance, Shirley, Stamps, Stockburger, Stulce, Turner (Hamilton), Venable, West, Westmoreland, Williams (Union), Windle, Wood — 43.

Representatives present and not voting were: Brown, Whitson --- 2.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to no on the motion to table Amendment No. 2 to Senate Bill No. 980 and have this statement entered in the Journal: Rep(s). Halteman Harwell.

REGULAR CALENDAR, CONTINUED

Rep. Buck moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 980 by deleting subsection (c) from Sections 15 and 16 and by substituting instead the following:

Unless the judicial evaluation commission recommends the retention of a judge, the provisions of this act shall not be applicable. A political party may nominate a candidate and independent candidates may qualify under the general election law for the general election which shall be the regular August election. After a judge is elected under this subsection the provisions of this act concerning the evaluation and retention process shall again apply.

AND FURTHER AMEND by deleting from the second sentence of Section 1(c) the language "sixty (60) days" and by substituting instead the language "one hundred eighty (180) days".

On motion, Amendment No. 3 was adopted.

Rep. Buck moved to adopt Amendment No. 4 as follows:

Amendment No. 4

Tennessee Code Annotated, Section 17-4-101, is further amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b) The organizations hereinafter authorized to make nominations for members of the judicial selection commission are associations composed of lawyers who regularly practice in the trial and appellate courts and who, respectively, represent the prosecution and defense functions in criminal proceedings and the plaintiff and defense functions in civil proceedings, and who, therefore, from experience and observation are familiar with the best qualifications and characteristics of judges.

On motion. Amendment No. 4 was adopted.

Rep. Brooks moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Whitson moved to adopt Amendment No. 6 as follows:

Amendment No. 6

Amend Senate Bill No. 980 by deleting Section 3(b)(3) in its entirety and by substituting instead the following:

(3) Each speaker in making the appointments to the judicial selection commission shall appoint persons who approximate the population of the state's licensed attorneys with respect to race and gender.

Present	а	nd	no	٥t	VC) t i	ing	١.										5
Noes																		45
Ayes											•	٠	٠		•	•	•	47

Representatives voting aye were: Armstrong, Bell, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Dyer), Crain, Cross, DeBerry, Dixon, Ferguson, Garrett, Haley, Halteman Harwell, Hassell, Hillis, Jackson, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Miller, Odom, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson, Stamps, Thompson, Tindell, Turner (Shelby), West, Williams (Shelby), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh — 47.

Representatives voting no were: Anderson, Arriola, Biottle, Boyer, Callicott, Chiles, Cole (Carter), Collier, Davidson, Davis, Duer, Fisher, Givens, Hargrove, Haun, Herron, Huskey, Johnson, Joyce, Kent, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Owenby, Peroulas Draper, Pinion, Ramsey, Ritchie, Severance, Shirley, Stockburger, Stulce, Turner (Hamilton, Venable, Walley, Westmoreland, Whitson, Williams (Union), Wix, Wood -- 45.

Representatives present and not voting were: Allen, Fowlkes, Gunnels -- 3.

Rep. Brooks moved to adopt Amendment No. 7 as follows:

Amendment No. 7

Amend Senate Bill No. 980 by adding the words "including the dominant ethnic minority population" between the word "race" and the word "and" in Section 3(b)(3).

AND FURTHER AMEND by adding the words "including the

dominant ethnic minority population" between the word "race" and the word "and" in Section 3(d).

Rep. Gunnels moved that $\mbox{Senate Bill No. 980}$ be referred to the Judiciary Committee.

Rep. Buck moved that the motion to re-refer be tabled, which motion prevailed by the following vote:

Ayes			٠.	•	٠.	•	٠.			. •	٠.	•								53
Noes	•														_	_	_			40
Present	an	d	no) t	V) t i	ing	1.	á									_	_	2

Representatives voting aye were: Armstrong, Bell, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Head, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, McDaniel, Miller, Mires, Moore, Odom, Peroulas Draper, Phelan, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Thompson, Tindell, Turner (Shelby), Walley, West, William (Shelby), Windle, Wix, Mr. Speaker Naifeh — 53.

Representatives voting no were: Allen, Anderson, Arriola, Bittle, Callicott, Chiles, Davidson, Davis, Duer, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Huskey, Joyce, Kent, Lewis, McAfee, McKee, Meyer, Owenby, Philips, Pinion, Ramsey, Rigsby, Severance, Shirley, Stemps, Stopckburger, Stulce, Turner (Hamilton), Venable, Westmoreland, Williams (Union), Williams (Williamson), Wood -- 40.

Representatives present and not voting were: Liles, Whitson -2.

Rep. Dixon moved the previous question, which motion prevailed.

Rep. Brooks renewed the motion to adopt Amendment No. 7, which motion prevailed by the following vote:

Ayes							٠.				.						58
Noes	•	:	٠	٠	•	•		•	٠	٠	•						29
Present	an	ď	nc) t	VC) t i	ing).									- 3

Representatives voting aye were: Armstrong, Bell, Brooks, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Haun, Head, Hillis, Jackson, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Lewis, Love, Miller, Mires, Moore, Odom, Owenby, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stamps, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Williams (Williamson), Windle, Wix, Mr. Speaker Naifeh —58.

Representatives voting no were: Allen, Anderson, Arriola, Bittle, Callicott, Chiles, Davis, Duer, Gunnels, Halteman Harwell, Hassell, Herron, Huskey, Joyce, Kent, McAfee, McDaniel, McKee, Meyer, Peroulas Draper, Ramsey, Ritchie, Shirley, Stockburger, Stulce, Venable, Westmoreland, Williams (Union), Wood -- 29.

Representatives present and not voting were: Bragg, Pinion, Whitson -- 3.

Rep. Buck moved that Senate Bill No. 980 be reset to the Calendar for Thursday, April 20, 1994, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 0097 -- Railroads -- Adds additional member from Nashville to rail service authority which embraces Davidson County. Amends TCA, Title 7, Ch. 56, Pt. 2.

Senate Amendment No. 3

Amend House Bill No. 97 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-56-203(a), is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) In the event any county with a metropolitan form of government with a population of more than one hundred thousand (100,000) according to the 1990 federal census or any subsequent federal census participates in an authority, the county shall have five (5) members on the board of directors of the authority. The members shall be the mayor or the designee of the mayor; one (1) member selected by the county department of public works administration; and two (2) members appointed by the mayor, (1) one of whom shall be a representative of an industry served by the authority.

Rep. West moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 97, which motion prevailed by the following vote:

Representatives voting age were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier,

Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh —95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Joint Resolution No. 0560 -- Memorials, Recognition and Thanks -- Tusculum College Bicentennial.

Senate Amendment No. 1

Amend House Joint Resolution No. 560 by changing "1774" to "1794" in the fourth paragraph.

FURTHER AMEND by deleting from the eighth paragraph the language "the only such program in East Tennessee" and substituting instead the language "widely recognized for the educational services provided to East Tennessee."

Rep. Haun moved that the House concur in Senate Amendment(s) No(s). 1 to House Joint Resolution No. 560, which motion prevailed by the following vote:

Ayes.			٠.			٠		٠.	٠.						95
Noes.														_	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 95.

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A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0933 -- District Attorneys -- Creates one additional position of criminal investigator for eighth judicial district. Amends TCA, Title 16, Ch. 2, Pt. 5.

Senate Amendment No. 1

Amend House Bill No. 933 by deleting the figure "1993" wherever it appears and by substituting instead the figure "1994".

Rep. Winningham moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 933, which motion prevailed by the following vote:

Ayes.													97
Noes.													0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wanningham, Wix, Wood, Mr. Speaker Naifeh — 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Senate Bill No. 1495 -- Local Government, General -- Deletes exemption for parcels of property where owner-occupied residence is located, permitting county to remedy dangerous conditions, including overgrown vegetation, trash and vacant dilapidated buildings.

Amends TCA 5-1-115.

Rep. Kisber moved to lift from the table the motion to reconsider Senate Bill No. 1495, which motion prevailed.

Rep. Kisber moved to reconsider action in passing Senate Bill No. 1495, which motion prevailed.

Rep. Lewis moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Kisber moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Kisber moved to adopt Amendment No. 6 as follows:

Amendment No. 6

Amend Senate Bill No. 1495 by deleting the language which reads:

The provisions of this act shall only apply in counties having a population of not less than 77,800 nor more than 78,000 according to the 1990 federal census or any subsequent federal census.

and by substituting instead the following:

The provisions of Section 1 of this act shall only apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

nor more than

40,200		40,500
77,800		78,000

On motion. Amendment No. 6 was adopted.

Rep. Kisber moved that **Senate Bill No. 1495**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.																	93
Noes.																	0
Preser	١t	ar	hr	no	n t	v	n t	ine	٦.								1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 93.

Representatives present and not voting were: Turner (Shelby)

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

*Senate Bill No. 1681 -- Courts, Juvenile -- Provides that once juvenile is transferred to criminal court for trial as adult, juvenile court loses jurisdiction over juvenile as to all pending or subsequent delinquent acts or criminal charges against juvenile. Amends TCA 37-1-134.

Rep. Purcell moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to Senate Bill No. 1681, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 1704 -- Civil Procedure -- Prohibits recovery of damages for loss of a child by non-supporting parent; redefines parent-child relationship for purpose of intestate succession to exclude non-supporting parent. Amends TCA, Title 20, Ch. 5, Pt. 1; Title 31, Ch. 2, Pt. 1.

Senate Amendment No. 2

Amend House Bill No. 1704 by deleting the last sentence in the Amendatory language of the House bill in subsection (b) of Section 1 and the last sentence of subsection (b) of Section 2.

Rep. Givens moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 1704, which motion prevailed by the following vote:

Ayes.	1												95
Noes.													0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh —95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 1719 -- Telecommunications -- Establishes requirements and qualifications for public safety dispatchers who receive requests for, or dispatch, emergency aid resources. Amends TCA, Title 7, Ch. 86, Pt. 1.

Senate Amendment No. 2

Amend House Bill No. 1719 by deleting all language after the enacting clause and by substituting instead the following:

- SECTION 1. Tennessee Code Annotated, Section 54-17-114(a)(1)(Q), is amended by deleting the item in its entirety and by substituting instead the following new item:
 - (Q) That portion of Pellissippi Parkway (State Highway 162) which has been or will be constructed in Blount and Knox Counties after January 1, 1987; provided, however, the height restrictions on buildings imposed by Section 54-17-115 shall not apply to that property along Pellissippi Parkway within Knox County which is located between Kingston Pike and Interstate Highway 75/40.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 3

Amend House Bill No. 1719 by adding at the end of the last sentence of Section 2(c) the following language:

and that at least one (1) person serving on the committee is a woman.

Rep. Callicott moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to House Bill No. 1719, which motion prevailed by the following vote:

Ayes.										٠.			97
Noes.													2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer,

Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Saverance, Shirley, Stamps, Stockburger, Stulce, Thompson, Findell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker, Naifeh, 2097.

Representatives voting no were: Chumney, DeBerry -+ 2.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

*Senate Bill No. 1871 -- Election Laws -- Includes all municipalities in Davidson County under definition of "newspaper of general circulation" for publishing election notices. Amends TCA 2-1-117.

Rep. Chiles moved to lift from the table the motion to reconsider Senate Bill No. 1871, which motion prevailed.

Rep. Chiles moved to reconsider action in passing Senate Bill No. 1871, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Chiles moved that Senate Bill No. 1871 be passed on third and final consideration.

Ayes.					٠.								95
Noes.													0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bett, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davideen, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnets, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herren, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Jace, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2347 -- Divorce and Annulment -- Allows divorce petitions to list a mailing address rather than a residence address. Amends TCA 36-4-106.

Senate Amendment No. 3

Amend House Bill No. 2347 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____. Tennessee Code Annotated, Section 36-4-106, is amended by adding the following new subsection (b)(3):

(3) If the complainant elects to provide the mailing address and designated agents for service of process in lieu of the residential address as authorized by this subsection, the complainant's attorney shall be deemed the complainant's agent for service of process.

Rep. Chumney moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 2347, which motion prevailed by the following vote:

Ayes.	٠			•	•				ş 📑		٠.					٠.		96
Noes.						÷	٠.		. 17			į.	٠.	٠.	. 7		,	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 2380 -- Agriculture, Dept. of -- Revises certain fees imposed by the department of agriculture, plant industries division. Amends TCA, Titles 43, 62.

Senate Amendment No. 1

Amend House Bill No. 2380 by adding before the effective date section the following new sections and by renumbering the effective date section accordingly:

SECTION 11. Tennessee Code Annotated, Section 62-21-109, is amended by deleting subsection (a) and by substituting instead the following:

A person chartered under this chapter shall list with the department, the name, residence, and address of each salesperson or agent who is authorized to solicit business or any one authorized to enter into a pest control contract on behalf of such chartered person. A person listed as a licensee or registered technician is considered to be a registered solicitor for such chartered person without a requirement of separate solicitor registration.

Tennessee Code Annotated, Section 62-21-109, is further amended by adding the following new subsections:

- (d) It is a violation for a registered solicitor under this chapter knowingly to use false information or a deceptive representation to sell pesticide application services.
- (e) Each person registered under this section shall possess commercial certification in each category of service offered for sale or provided.

SECTION 12. Tennessee Code Annotated, Section 62-21-114, is amended by deleting subsection (b) in its entirety.

SECTION 13. Tennessee Code Annotated, Section 62-21-120, is amended by deleting the section in its entirety and by substituting instead the following:

A custom application without a valid charter is a Class A misdemeanor.

SECTION 14: Tennessee Code Annotated, Section 62-21-124, is amended by deleting subsection (a) and by substituting instead the following:

Whether or not engaged in the business of applying pesticides, a person may not apply as pesticide within any of the following buildings, except under the direct supervision of a person-licensed to apply pesticides in accordance with this chapter:

1) any building used for the preparation or

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serving of food:

- any building used for the temporary or permanent lodging of others;
- 3) any building used primarily for educational purposes, except those buildings used primarily for religious instruction or for providing education to not more than ten (10) persons; or
 - 4) any commercial food processing facility.

Rep. Walley moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 2380, which motion prevailed by the following vote:

Ayes.		•		•				•,					٠,	٠.	96
Noes.	•	•	•	•						•					0

Representatives voting aye were: Allen, Anderson, Armstrong, Arricla, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Mayer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

*Senate Bill No. 2424 -- AIDS -- Allows law enforcement officer who has been exposed to blood or bodily fluids of arrested suspect to require that blood of such suspect be tested for hepatitis B and HIV virus. Amends TCA, Title 68, Ch. 10, Pt. 1.

Rep. Kent moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2 to Senate Bill No. 2424, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2507 -- Contractors -- Revises when person can

apply for contractor's license after doing contracting work without license; revises when citations must be issued for violations. Amends TCA, Title 62, Ch. 6.

Senate Amendment No. 1

Amend House Bill No. 2507 by adding the following new section immediately before the effective date section and renumbering the sections accordingly:

SECTION Tennessee Code Annotated, Section 62-6-101, is amended by deleting the section in its entirety and substituting instead the following new section:

This chapter shall be known and may be cited as the "Contractors Licensing Act of 1994".

Senate Amendment No. 3

Amend House Bill No. 2507 by deleting in the amendatory language of Section 62-6-103(a)(2)(B) on pages 9-10 of the printed amendment the language "or not less than three hundred nineteen thousand six hundred twenty-five (319,625) nor more than three hundred nineteen thousand seven hundred twenty-five (319,725), both".

Senate Amendment No. 4

Amend House Bill No. 2507 by adding the following language to the amendatory language of Section 1 described as Section 62-6-102(1)(D)(i):

not less than	1	not more than
15.600		15,850
16.700		16,950
35.050		35,070

Rep. Head moved that the House concur in Senate Amendment(s) No(s). 1, 3 and 4 to House Bill No. 2507, which motion prevailed by the following vote:

Ayes.											95
Noes.											0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks,

Ritchie, Robinson, Severance, Shirrley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 2526 -- Custody and Support -- Revises provisions relative to support and care of children. Amends TCA 50-2-105, 71-3-124, 71-5-117.

Senate Amendment No. 2

Amend House Bill No. 2526 by adding the word "to" between the words "pursuant" and "an" in the second sentence of subdivision (a)(5) in the amendatory language in Section 12.

Senate Amendment No. 3

Amend House Bill No. 2526 by deleting the word "reasonably" and by substituting instead the words "reasonable and" in subdivision (4)(c)(iv) of Section 1.

AND FURTHER AMEND by adding the following language to subsection (c) of Section 8 of the amendatory language:

Clerks of court are authorized to issue an advance notice of income assignment to the obligor and to institute the process to assign income when the obligor fails to pay court costs.

Senate Amendment No. 6

Amend House Bill No. 2526 by adding the following language as the last sentence of Section 1, subsection (a)(4)(D):

Provided, however, that the clerk, by written agreement with the department of human services, may disburse child support receipts directly to the obligee.

AND FURTHER AMEND by deleting in Section 12(a)(1) the language "under Section 8-21-403".

Senate Amendment No. 7

Amend House Bill No. 2526 by deleting Section 13 of the amendatory language and by substituting the following language:

Section 13. Tennessee Code Annotated, Section 36-5-501(h), is amended by adding the following language at the end of the subsection:

An employer shall be subject to a fine for a Class C misdemeanor if the income assignment is used as a basis to refuse to employ a person or to discharge the obligor/employee or for any disciplinary action against the obligor/employee.

Senate Amendment No. 8

Amend House Bill No. 2526 by adding to the amendatory language designated as subdivision (4) in SECTION 5(a) the following new language:

Whenever any subpoena issued pursuant to this subsection is directed to any person or entity other than the obliger or obligee, five (5) days advance notice shall be given to the person whose records are being sought, by serving, by certified mail, upon that person a copy of the subpoena.

Senate Amendment No. 9

Amend House Bill No. 2526 by adding to the amendatory language designated as subdividion (4) in Section 5(a) the following new language:

No subpoena shall issue to individuals or entities other than the obligor or obligee without prior review and approval of the necessity for its issuance by a licensed attorney who is enployed by the Department or its contractor.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 2, 3, 6, 7, 8 and 9 to House Bill No. 2526, which motion prevailed by the following vote:

Ayes.						_									97
Noee	•	•	•												0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2745 -- State Government -- Codifies Information Systems Council created by Executive Order #18 of 1983. Amends TCA, Title 4; Title 12, Chs. 3, 4.

Senate Amendment No. 2

Amend House Bill No. 2745 by adding a new section to be appropriately numbered immediately preceding the effective date section to read as follows:

Section ____. Nothing in this act shall be construed to change or alter in any respect existing purchasing laws for the procurement of goods and/or services.

Rep. Purcell moved that the House nonconcur in Senate Amendment(s) No(s). 2 to House Bill No. 2745, which motion prevailed.

Senate Amendment No. 3

Amend House Bill No. 2745 by adding in Section 2 the following language as an appropriately designated new subsection:

() The chief justice of the Supreme Court of Tennessee or the chief justice's designee shall also be included as a full voting member of the Information Systems Council.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 2745, which motion prevailed by the following vote:

Ayes.						•							96
Noes.							•						0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchle, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 99.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

CONSENT CALENDAR

*House Joint Resolution No. 0514 -- Highway Signs -- J. R. "Jim" Story Memorial Bridge, S.R. 242, Chisholm Creek, Lawrence County.

House Bill No. 2931 -- Wilson County -- Authorizes Tenth Special School District to issue \$500,000 in capital outlay notes. Amends Chapter 330, Acts of 1901, as amended.

House Bill No. 2934 -- Algood -- Revises charter. Amends Chapter 69, Private Acts of 1977.

The following resolutions were introduced and placed on the Consent Calendar:

House Resolution No. 0224 -- Memorials, Public Service -- Fraternal Order of Eagles Tri City Aerie #3429 Chapter and the Ladies Anxiliary. by *Ferguson.

House Resolution No. 0225 -- Memorials, Personal Occasion -- Robert Alton Miller, Sr. and Frances Ridley Miller, 50th Wedding Anniversary. by *Miller.

House Resolution No. 0226 -- Memorials, Interns -- Lora J. Coulter. by *Chumney, *Buck.

House Resolution No. 0227 -- Memorials, Interns -- Michelle Stewart. by *Chumney, *Buck.

House Resolution No. 0228 -- Memorials, Interns -- Whitney Leigh Malone. by *Hillis, *Cross, *Odom.

House Joint Resolution No. 9698 -- Memorials, Academic Achievement -- St. George's Day School. by *Byrd, *Shirley.

House Joint Resolution No. 0699 -- Memorials, Public Service -- "USS Tennessee". by *Ridgeway, *Kisber, *Cross, *Crain, *Liles, *Cole Ralph, *Givens, *Anderson, *Haley, *Rhinehart, *Wix, *Bragg, *Fowlkes.

House Joint Resolution No. 0700 -- Memorials, Death -- John A. "Jack" Kappelman. by *Duer, *McAfee, *Rhinehart.

House Joint Resolution No. 0702 -- Memorials, Interns -- James Christopher Newton. by *Wood, *Meyer, *McAfee, *Fisher.

House Joint Resolution No. 0703 -- Memorials, Interns -- Sue Darby. by *Kernell, *Garrett, *Johnson, *McAfee, *Chiles, *DeBerry, *Owenby, *Haley, *Brooks.

House Joint Resolution No. 0704 -- Memorials, Recognition and Thanks -- Bernice "Bernie" Kennedy, Nurse, Legislative First Aid Station. by *Naifeh, *Crain.

House Joint Resolution No. 0706 -- Memorials, Sports -- Anthony "Amp" Elmore, World Champion Kickboxer. by *Turner L, *Chumney, *DeBerry, *Dixon, *Brooks, *Pruitt, *West, *Miller, *Brown, *Armstrong.

House Joint Resolution No. 0708 -- Memorials, Recognition and Thanks -- Welcomes National Black Caucus of State Legislators to Memphis. by *Naifeh, *DeBerry, *Dixon, *Jones U, *Miller, *Pruitt, *Love, *Turner L, *Brooks, *Armstrong, *Ritchie, *Brown.

House Resolution No. 0230 -- Memorials, Interns -- Amy Lynn Crosley. by *Kernell, *Garrett, *Johnson.

House Joint Resolution No. 0712 -- Memorials, Death -- Stephen W. Blackburn, Jr. by *Hargrove, *McDaniel.

House Joint Resolution No. 0714 -- Memorials, Public Service -- Betty Haynes, Chief Executive Officer to the Governor's Office. by *Purcell, *Naifeh, *Ridgeway.

House Joint Resolution No. 0715 -- Memorials, Academic Achievement -- Laura Matlick, 1994 Midsouth Spelling Bee Champion. by *Ridgeway.

House Joint Resolution No. 0716 -- Memorials, Sports -- 1993 Cookeville American Little League team. by *Hargrove.

House Joint Resolution No. 0717 -- Memorials, Retirement -- Major General Kenneth A. Bouldin. by *Hillis, *Herron, *Cross, *Kisber, *Ridgeway, *Liles, *Cole Ralph, *Givens, *Crain, *Anderson, *Haley, *Fowlkes, *Bragg.

House Joint Resolution No. 0718 -- Memorials, Professional Achievement -- Charles E. Foust, Jr., Small Business Person of the Year. by *Head.

House Joint Resolution No. 0719 -- Naming and Designating -- "Better Hearing and Speech Month," May. by *Ferguson.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.													
Noes.										_	_	1	 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole

(Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 97.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Purcell moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 519 could be heard by the Health and Human Resources Committee on Tuesday, April 19, 1994; if recommended out, could be heard by Calendar and Rules on Wednesday, April 20, 1994, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend the rules to introduce and refer the following resolutions and suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Joint Resolution(s) No(s). 701, 677, 707; also, House Resolution(s) No(s). 229 could be heard by the Calendar and Rules Committee on Wednesday, April 20, 1994, which motion prevailed.

House Joint Resolution No. 0701 -- Naming and Designating -- "Better Hearing and Speech Month," May 1994. by *Wood.

House Joint Resolution No. 0707 -- Naming and Designating -- "Dr. Martin Luther King, Jr. Solidarity Day," June 19, 1994. by *Turner L, *DeBerry, *Dixon, *Brooks, *Pruitt, *West, *Miller, *Brown, *Armstrong.

House Resolution No. 0229 -- Naming and Designating -- "Management Week," June 6-11, 1994. by *Lewis, *Rigsby.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on Wednesday, April 20, 1994:

House Bill No. 1866 Conference Committee Report: Rep. Rhinehart.

BILLS WITHDRAWN

On motion of Rep. Purcell, House Bill No. 2921 was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

On motion of Rep. Purcell, House Bill No. 1223 was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 461 could be heard by the Conservation and Environment Committee on Tuesday, April 19, 1994, then, if recommended out, Calendar and Rules on Wednesday, April 20, 1994, which motion prevailed.

REPORTS FROM STANDING COMMITTEES

The committees that met on April 19, 1994, reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for adoption: House Joint Resolution(s) No(s). 461. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for adoption: House Joint Resolution(s) No(s). 519. Under the rules, each was transmitted to the Calendar and Rules Committee.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 222: Rep(s). Duer as prime sponsor(s).

House Joint Resolution No. 506: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Joint Resolution No. 633: Rep(s). McAfee as prime sponsor(s).

House Joint Resolution No. 657: Rep(s). McDaniel as prime sponsor(s).

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House Joint Resolution No. 666: Rep(s). Turner (Hamilton), Love, as prime sponsor(s).

House Joint Resolution No. 695: Rep(s). Hassell, Shirley, Brooks, Williams (Shelby), Joyce, Haley, Naifeh, Turner (Shelby), Dixon, Chumney, Kernell as prime sponsor(s).

House Joint Resolution No. 698: Rep(s). Shirley as prime sponsor(s).

House Joint Resolution No. 699: Rep(s). Bragg, Fowlkes, Givens, Haley, Anderson, Cole (Carter), Ridgeway, Rhinehart, Crain, Cross, Liles, Wix and Kisber as prime sponsor(s).

House Joint Resolution No. 700: Rep(s). Duer, McAfee and Rhinehart as prime sponsor(s).

House Joint Resolution No. 712: Rep(s). McDaniel as prime sponsor(s).

House Joint Resolution No. 717: Rep(s). Fowlkes, Bragg, Crain, Anderson, Haley, Givens, Cross, Cole (Carter), Herron, Ridgeway, Liles, Kisber, Bell, Rhinehart, Wix as prime sponsor(s).

House Bill No. 309: Rep(s). Williams (Union), Jackson, Cole (Dyer), Whitson, as prime sponsor(s).

House Bill No. 1064: Rep(s). Brooks, Williams (Union), Kisber and Givens as prime sponsor(s).

House Bill No. 2153: Rep(s). Knight as prime sponsor(s).

House Bill No. 2223: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 2290: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 2443: Rep(s). Davidson as prime sponsor(s).

House Bill No. 2471: Rep(s). Thompson as prime sponsor(s).

House Bill No. 2677: Rep(s). Winningham as prime sponsor(s).

House Bill No. 2681: Rep(s). Cole (Dyer) and Jackson as prime sponsor(s).

House Bill No. 2920: Rep(s): Knight as prime sponsor(s).

MESSAGE FROM THE SENATE April 19, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2556; also, Senate Joint Resolution(s) No(s). 429,

430, 431, 433, 434, 436, 437 and 438; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE April 19, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1767, 1786, 2040, 2061, 2102, 2524, 2539, 2549, 2625, 2676, 2686, 2691, 2776, 2847, 2848, 2849 and 2853; also, Senate Joint Resolution(s) No(s). 350, 379, 442, 443, 444, 446, 447, 448, 451, 452, 453, 454, 455, 456, 457, 458, 459, 461, 462, 463, 464, 465, 467, 468, 469, 470, 471, 472, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 494, 495, 496, 497, 498, 499, 500, 501, 503 and 507; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE April 19, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1313, 1898, 2772, 2879 and 1906; also, House Joint Resolution(s) No(s). 517, 618, 619, 620, 621, 622, 623, 625, 626, 627, 628, 629, 631, 645, 646, 648, 649, 650, 651, 652, 653, 654, 655, 656, 658, 659, 660, 661, 662, 664 and 665; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE April 19, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 192, 691, 952, 1742, 2068, 2134, 2418, 2533, 2537, 2558, 2595, 2801, 2821, 2856, 2903, 2905, 2907, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918 and 2919; also, House Joint Resolution(s) No(s). 529, 545, 630, 632, 634, 635, 636, 637, 639, 640, 641, 642, 668, 670, 671, 672, 673, 674, 675, 676, 678, 679, 680, 681 and 682; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED April 19, 1994

The Speaker signed the following: Senate Bill(s) No(s). 1767, 1786, 2040, 2061, 2102, 2524, 2539, 2549, 2556, 2625, 2676, 2686,

2691, 2776, 2847, 2848, 2849 and 2853; also, Senate Joint Resolution(s) No(s). 350, 379, 429, 430, 431, 433, 434, 436, 437, 438, 442, 443, 444, 446, 447, 448, 451, 452, 453, 454, 455, 456, 457, 458, 459, 461, 462, 463, 464, 465, 467, 468, 469, 470, 471, 472, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 489, 490, 491, 492, 494, 495, 496, 497, 498, 499, 500, 501, 503 and 507.

ENGROSSED BILLS April 19, 1994

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1064, 2087, 2153, 2208, 2471, 2891, 2900, 2920, 2930, 2931, 2932, 2933 and 2934; also, House Joint Resolution(s) No(s). 381, 395, 412, 416, 474, 506, 512, 514, 520, 544, 564, 582, 617, 633, 666, 667, 695, 697, 698, 699, 700, 702, 703, 704, 706, 708, 712, 714, 715, 716, 717, 718 and 719.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

RESOLUTIONS

The following resolutions were introduced and held on the Clerk's desk:

House Joint Resolution No. 0705 -- Memorials, Public Service -- Representative Bill Collier. by *Crain, *Ridgeway, *Cross, *Pinion, *Cole Ronnie, *Kisber, *Fowlkes, *Phelan, *Rinks, *Moore, *Naifeh, *Herron, *Purcell.

House Joint Resolution No. 0709 -- Memorials, Public Service -- Representative Mayo Wix. by *Purcell, *Naifeh, *Ridgeway.

House Joint Resolution No. 0710 -- Memorials, Public Service -- Representative Charlie Severance. by *Purcell, *Bittle, *Naifeh, *Ridgeway, *Phelan.

House Joint Resolution No. 0711 -- Memorials, Public Service -- W. Townsend Anderson. by *Purcell, *Bittle, *Naifeh, *Ridgeway, *Phelan, *Kisber.

House Joint Resolution No. 0713 -- Memorials, Public Service -- Representative Dick Clark. by *Purcell, *Naifeh, *Ridgeway.

ROLL CALL

TUESDAY, APRIL 419, 1994 -- EIGHTY-EI

Arricla, Bett, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Cellier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stutce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 98.

On motion of Rep. Purcell, the House recessed until 189:00 la.m., wednesday, April 20, 1994.

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